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Le Conseil canadien du Bien-être

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## Editorial

All the papers in this issue were given at the Second Annual Research Conference on Criminology and Delinquency, held in Montreal in May 1960. The first four papers describe studies conducted by the Department of Psychiatry, McGill University. The fifth, *Some Psychological Aspects of Sentencing*, was part of a symposium on sentencing which took place at the same Research Conference.

The studies leading up to all five papers were assisted by funds provided by the Dominion-Provincial Mental Health Grant No. 604-5-62 of the National Health Grants program.

The July 1959 issue of this Journal (Vol. 1 No. 4) was devoted to the papers given at the first of these annual Montreal research conferences. The present papers should be read against the background of those earlier reports.

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Tous les exposés publiés dans le présent numéro furent présentés au deuxième Colloque annuel de Recherche sur la Criminalité et la Délinquance, tenu à Montréal en mai 1960. Les quatre premiers exposés ont trait à des études effectuées par le département de psychiatrie de l'Université McGill. Le cinquième—"*Some Psychological Aspects of Sentencing*"—fut développé au cours d'un symposium sur les problèmes inhérents à la sentence, qui se déroula lors du même colloque de recherche.

Les études qui ont permis de présenter ces cinq exposés furent facilitées par l'octroi de la subvention fédérale-provinciale à l'hygiène mentale—n° 604-5-62—du programme de subventions nationales à l'hygiène.

Le numéro de juillet 1959 de cette Revue (Vol. 1 n° 4) fut consacré aux communications données lors du premier de ces colloques annuels de recherche à Montréal. Il y aurait donc lieu de lire les exposés susmentionnés en fonction de ces premiers rapports.

## The Latecomer to Crime

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I should like to bring to your attention an aspect of our research work—a study on men whom we call “latecomers to crime”. Our research has been carried out at St. Vincent de Paul Penitentiary, a maximum security prison for offenders who are serving a minimum sentence of two years. Let me first try to tell you exactly what I mean by the term latecomer. In the context of this talk the latecomer or late delinquent or late offender as we have called him in previous studies<sup>1</sup>, is a man who gets into difficulty with the law after he is 20, having had no criminal record of any kind prior to that age. You will probably wish to know how large and important is the group of latecomers whom we are discussing. Some statistics are available, but I should point out that, while they are reliable, they are incomplete. They have been obtained from the Annual Report of the Commissioner of Penitentiaries for 1954. We note that in that year 2,418 inmates were sentenced to Federal Penitentiaries. Of this number, 318 were 20 years of age, or more, and were serving their first sentence with no previous record whatever. This represents about one in eight, or about thirteen per cent of all admissions to penitentiaries in 1954, a representative year. This is an important figure, but it is only a fraction of the group under discussion here. In fact, the number of offenders in Canada who come before the court for the first time in their 20's or later is even larger than this, many being sentenced to prison rather than to the penitentiaries, and we have not yet reached this group in our research. Still another group are given fines, suspended sentences or probation, and we have no exact figures on this group. Undoubtedly, the habitual criminal who starts his career in very early life may represent our most severe social problem, judged by the gravity of his offence and his recidivism. But we should appreciate the fact that the greatest number of offenders do not fall into the category of habitual criminals, but into the group which I shall describe here.

In looking over this group of latecomers, we cannot help asking ourselves why a man who has succeeded in making a law-abiding adjustment up to adulthood suddenly begins to commit offences and to disobey laws which he had previously accepted. We call this the problem of those who come late to crime.



Criminality, like other human behaviour, must be seen in a life context. By this we mean that criminal behaviour does not exist in a vacuum. It is a certain kind of relationship between an individual and society, though we may call it an antisocial relationship; it may be an incidental or habitual relationship. We can assume that criminality in general is both an individual and a social problem created by both individual and social factors. It is a symptom of disorder in a highly complex personal social relationship and we are interested in trying to discover what causes this disorder.

Perhaps a good way to enter the subject of the offenders we are studying would be to describe what happens to a child from birth to maturity both in regard to his personal growth and development and his social relationships.

One of the most important periods in childhood is undoubtedly what we call the early formative years, from birth to the age of 5 or 6. During these years the kind of relationships established between the child and the parents will determine to a great extent the adjustment he will make later on outside the family. Within the family the infant establishes his first human contacts. The first, and the most important, is the one with his mother, but very early the father too begins to play an important role. In his own home, the young child with his parents and brothers and sisters comes to learn the basic rules of living together, the family being a training ground for him. He learns the primary social rules that will later on help him live in a more impersonal structure, society. The first important experience outside the family takes place around the age of 6 when the child leaves the shelter of the home to go to school. This is a real social challenge. By the age of 5 or 6, the parents and society expect a child to have learned enough about the social code to regulate his conduct to a considerable extent. Most children do, but there are some who even before reaching puberty become seriously delinquent, and by that I do not mean the mischief and over-activity of childhood, but a well developed delinquent pattern of behaviour such as compulsive stealing. When we meet an adult offender who we know has been truly delinquent since the age of 7 or 8, we recognize that we are dealing with a deep-seated personal and social disturbance, where criminality is unlikely to diminish without treatment or the passing of considerable time. Criminality may persist in one form or another for most of his adult life. We call this kind of offender a primary delinquent.

There are children who successfully navigate up to adolescence, but from then on resort to genuine delinquency, and again by this I do not mean the high spirits of youth. When we meet offenders who have become criminal in their adolescence and have carried on from then we

call them secondary delinquents. While generally they become serious criminal problems, they tend to be somewhat less deeply involved than the primary delinquents. This group, like the primary delinquents, are unlikely to conform to social codes without treatment. Untreated, criminality is likely to continue in adulthood.

We have mentioned these two types very briefly in order to clarify what we mean when we speak of the latecomer to crime. He is a man who in his childhood and adolescence had no serious delinquent activity and was not in grave trouble with the law. He may have had all kinds of emotional difficulties, but he did not react in a delinquent way in response to his problems. He managed to go through his school years, to find work, earn a living, make friends safely and within the law.

Why a young child or an adolescent becomes delinquent has been extensively studied, because society as a whole is unhappy and disturbed when youngsters become antisocial and criminal. We have established special courts and special institutions for such youngsters, and we tend to deal with the child himself, rather than with the offence. No matter how disturbed we are by the offence, we recognize that behind even a serious breakdown is a young person capable of growth and change. I certainly endorse this viewpoint and will agree with you that much as we may have done, there is room for improvement in our services for young delinquents.

However, after some work in the field of the latecomer, I must lay stress on the fact that our adult offenders also deserve to be treated individually and should not be simply lumped together as criminals. In our emphasis on the importance of the early years, we have tended to forget that there are also stresses in maturity that may create conflicts which an offender may try to solve in a criminal way.

For purposes of our study, we have divided the years of maturity into various stages: the 20's, 30's, 40's, and the 50-plus. In our research we have studied a number of offenders who committed their first crime in these various decades and we have tried to isolate some factors that may have contributed to criminality at these periods.

#### **First Offenders in the 20's**

In studying those who have committed their first offence in the 20's, we cannot help noting how stressful a period this may be for a lad faced with a greatly accelerated rate of responsibility. The young man entering his 20's is expected to be economically self-sufficient, to choose his own friends and social milieu, to find a permanent place in work, to select a suitable mate and found a family. Most young people succeed,

but we have seen a number of young offenders involved in the process of leaving the family with its restrictions and protections and starting a life of their own who find themselves in serious conflict. At this precise moment they discover that they are unable to grow up and accept adult social values.

We see in this group individuals attempting to follow the normal process of asserting themselves as adults, with the normal wish to take responsibility, but they are ill-equipped. Some of them come from a family where a dictatorial authority prevented them from learning from experience; or they may have been over-protected, with the same result. Others come from broken homes, are illegitimate, or they have lacked a stable and constant family. Orphanages and foster homes gave them enough to carry them through to their 20's, but faced with making a life of their own they break down. What I have been describing is an incomplete picture, but it gives some idea why these young men, never previously criminal, may commit a first offence in this first crisis of maturity. In our study, those who commit an offence in the 20's make up the largest group, about forty per cent of the 176 cases studied, and they represent on the whole the most severe problems of the latecomer to crime. In this group we find that offences against the person and the use of weapons and other aggressive means is more frequently encountered than in the offender who starts crime later.

One of the criteria by which we judge the extent of criminal involvement is the amount of criminal association. In the group of the 20's, it can be said that at least a third of our offenders associate mainly with criminal and semi-criminal elements. Another third have mixed contacts, frequenting both criminal and non-criminal society. The third group as a whole do not become deeply involved with criminals except at the time of committing an offence. From our observation we would say that individuals in the first two groups have a greater tendency to recidivate than those who seldom mix in criminal society. However, in the 20's as a whole, we rarely find the lone operator. The offender tends to associate with other criminals in and out of crime, but he is not a member of a "gang" like the adolescent offender, though he will have a few criminal partners. There is also a greater tendency to recidivate. In our study, fifty per cent are already recidivists and it can be predicted that fifty per cent of the remainder will recidivate.

If we are to prevent this tragically high rate of recidivism we must be prepared to give intensive treatment. We feel that treatment in the case of these offenders is as important as for juveniles. One obvious reason is that, untreated, sixty-five to seventy-five per cent will return to crime; but we are also confident that, like the juveniles, preventive

and rehabilitative work is possible. In some ways they may even be better bets as they are genuinely first offenders, while we know well that many of our 16, 17 and 18-year olds are already habitual delinquents. A fact in their favour is that they were able to adjust to society in a law-abiding way in spite of their problem for over 20 years before resorting to crime. They have therefore some degree of social stability that is not present in the young offender who was unable to make an acceptable social adjustment from his earliest years.

#### **First Offenders in the 30's**

Turning now from our young offender in the 20's, let us take a look at the man who commits his first offence after reaching the age of 30. In considering this decade as a whole, we note that a man faces for the first time the fact that his early youth is behind him. He is no longer in his youth, but he is not old. For a normal man, this is a very positive phase. He has gained experience and has begun to achieve status. If he is married and has children, his personal relationships are usually in a state of equilibrium. But corresponding to these positive factors are difficulties and problems. There may be growing disappointment in the realization that things are not turning out as planned. Perhaps most important, his personal life may have proved a disappointment. By this time a marriage has existed long enough so that it can be well judged as either a success or a failure, and for the unmarried man the inability to find a suitable partner may well be a problem for him.

In dealing with people who commit their first offence in the 30's, I want to emphasize from the start an important point of difference from offenders in the 20's. In the 20's sixty to seventy-five per cent present not only serious personal and social problems, but they tend to see society as hostile and ungiving, and there is a feeling of retaliation against this society. In this sense the rebellion of adolescence is carried on into their 20's. A very different phenomenon occurs in our group of 30's. Do not forget that these men have not committed offences for at least 30 years of their lives, nearly half a life span. Their lives are not, as a whole, organized around criminal associations or practices. They are in the main a group of people with normal values and normal non-criminal ways of making a living. When we examine them more closely, we discover that the criminal activity that brought them to the penitentiary is usually accompanied by a complicated stressful life situation. There is often very realistic financial or occupational hardship; there may be ill-health or a personal misfortune. But what is significant is that these stresses occur within a particularly difficult interpersonal relationship, whether with a wife, children or other important people. What appears on the

surface as an antisocial offence may be the manifestation of a major conflict which they could by no means solve. They sometimes see the crime as the only means of maintaining a relationship they have lost or are on the point of losing.

I do not wish to imply that basic antisocial attitudes do not exist, but they are far less prevalent than in the 20's. The act which seems on the surface antisocial and which the judge has a perfect right to consider as such is sometimes seen by our 35-year old offender, and let us add by those of us who get to know him, as precisely a means of re-establishing himself in society.

We have mentioned that, for the men in this group, the basis of their criminality is usually an individual personal problem. One of the most severe has proved to be an unhappy marriage. While we certainly do not say that marriage is the cause of criminality, it remains that in this group an unusually large number have excessively conflicted marriages. There are thirty-six in this group, twenty-six of whom are married. Of these twenty-six at least twenty-one come into this category. In many of these cases criminality occurs at the peak of the marital crisis. You will say that there is a great deal of marital discord in our society which is dealt with by various means and which does not give rise to crime. This is quite true, but the people whom we are considering display unusual difficulties in establishing and maintaining personal relationships, and when there is trouble they are unable to find normal solutions like reconciliation, separation, etc. They seem frozen in their problem, and they either continue in a destructive marriage or refuse to accept the reality of a marriage that has broken down. They are so entangled that they are often unable to assess mutual responsibility for the failure of the marriage. Being unable to work out their problem of relationship in the marriage, they will sometimes seek outside gratification in taverns, extra-marital affairs or other ways and may become involved in crime. Or, simply out of despair, they will act out in a criminal way. When we examine these marriages we see that our man in the 30's has made a very poor choice of marital partner and some trouble could have been anticipated as a result.

On the other hand, there are some men who have made basically sound marriages, but after a number of years they have become disappointed in their sexual life, and they look for something new; or the wife may have become seriously ill, leaving the husband with greatly increased responsibilities. For instance, there is the case of a man discouraged by the chronic and severe invalidism of his wife, which created financial as well as emotional and physical stress. Eventually, he tried to forget his troubles in drink, fell into a deep well of self pity and depression and in the end, in an almost planless way, committed a burglary.

What type of offence does the man in his 30's commit? We have mentioned that our offenders have less aggression against society itself than those who commit first offences in the 20's, and looking over our cases we see that this is so. Offences may seem similar in character, for instance break and entry, but we note that the offender in his 30's is seldom armed, or if he is he carries a toy pistol. What is more important is that whether he carries a real gun or a toy, his feeling towards the weapon is different from that of the younger offender who sees the gun as an offensive and defensive means. For the man in his 30's, the weapon is seen more as a means of frightening than an intent to harm.

Offences against the person seem to be rare, with the obvious exception of murder and manslaughter. We are also impressed in this group by the rather large number of charges that are directly related to interpersonal problems. We see many Article 33 charges, cases of non-support, alcoholism in the home, etc. These evidently represent a problem within the family itself. Many of them have no criminal record otherwise and are in fact good workers. Their offence is only within the home. This reinforces our previous point of how greatly these men have failed in their life within the home and family.

With regard to murder, we do not find among those we have studied in this group that the murder is committed as part of another offence. Rather, they will, under stress, kill a wife, a mistress or a personal enemy. Regardless of the extreme violence of an act of murder, it is seldom committed in an antisocial context, but in one involving a very deep and pathological relationship between two people. The act of murder accompanying another offence is generally found in habitual criminals who have begun their career long before their 30's and have chosen a dangerously aggressive type of criminality involving many risks. We refer here, for example, to the criminal who commits a murder in the course of a robbery.

It is interesting to compare the rate and type of recidivism that occurs in the man who commits his first offence in the 30's with that of the 20's. There is a fair amount of recidivism in the 30's, although not as high as in the 20's. But there are sharp differences. The man in the 30's tends to recidivate because his original personal problem has not been solved. He may have been sent to prison or penitentiary for non-support or criminality resulting from alcoholism and he finds himself out of prison with the same problems. He is therefore even more likely to get into the same kind of trouble again. We also note that where there is recidivism it is less frequent than in the 20's.

With regard to sexual offences, no matter what type of offence or perversion is involved, the man who commits a first sexual offence in



his 30's seldom resorts to violence. He is unlikely to be dangerous to society, contrary to the type of rape with violence that we find in the 20's.

Criminal association in the group of offenders in the 30's presents a very different picture from that of the 20's. The man in the 30's has almost always been living in a non-criminal environment, and those who associate regularly with criminals are certainly the exception rather than the rule. Meeting criminals, therefore, is for them a new experience. Interestingly enough, where there is criminal partnership it is often a group of non-criminals who associate to commit an offence. We find a man in his 30's selecting a partner who, like himself, has no criminal record, but both are deeply unhappy in their personal life. Thus we see that two individuals will be able to commit together an offence that they may not be able to accomplish separately.

There is also a situation of an offender in the 30's who, having no previous experience in crime, meets somebody with a record who has been involved in criminal or semi-criminal activity. For a newcomer in crime, perhaps seriously tempted for the first time, the encounter with a more experienced operator may be a deciding factor. It lessens his feeling of guilt and responsibility, gives him the courage of a group.

We see also in the 30's what is seldom seen in the 20's, the phenomenon of a man who commits an offence on his own, either impulsively or having contemplated it for a long time. He does not seek the help of a partner. As a general rule it can be said that in the 30's criminal association when it exists tends to be restricted to the offence, and that most of their associations are not criminal.

The offender who starts to infringe the law in his 30's is a man who really has no great quarrel with society, but is usually deeply unhappy, often very inadequate in one or many areas, whether work, marriage or social relations. He begins to sense that life has passed him by and that he will miss his quota of happiness. He may not be alcoholic, though many are, but he tends to take refuge in drink when troubled, and this further obscures his judgment. Above all, what really obscures his judgment most is his tendency to withdraw into himself, to become depressed at his failure and determine to break his way out at any cost.

These people, who suffer from a sense of failure, are good rehabilitative prospects. They are usually aware of their problems, and if help is offered they welcome it, unlike many of our younger delinquents. Part of their tragedy is that, though they have at least some insight, they do not know how and where to look for help. Unfortunately, we must add that very little help is available.

### **First Offenders in the 40's**

Turning from the 30's, what comes to mind when we think of the next decade, from 40 to 50? This is evidently thought about as an important period; for it is specifically referred to by a number of terms such as "middle age", "the middle years", "third youth", and perhaps as a consolation with the phrase "life begins at 40". We see in psychiatric practice many people who become seriously depressed in this decade — men as well as women. It is an important transitional period, in particular with regard to changing family roles. For instance, a father sees himself as no longer the guide and protector of young children, but realizes that they are almost adult. This can be a source of satisfaction and pride, but in other cases of disappointment or temptation.

Among the group who commit their first offence in the 40's, personal problems abound, but no matter what the immediate or deep-seated cause for the offence may be, in none of the thirty-six cases studied were we convinced that the man was a criminal. On the contrary, we find a man who has usually worked hard, lived honestly, but found in his 40's no corresponding rewards for his labours. In nearly every case the failure is directly related to a severe personal problem present throughout life which became greatly intensified in the 40's. He may resent his hard lot, even blame the environment and complain that he has had a raw deal, but he is never really antisocial. These men frequently blame themselves for their failure, for instance in refusing an education or training in their youth. They wonder why they have been unsuccessful in their sexual life, whether married or whether they have failed to find a wife. This rumination about the past is so commonly found here that it may partly explain why it is in this group that we begin to see a certain kind of sexual offender. In his dissatisfaction at having never attained a deep and satisfying relationship, he sometimes turns to deviant ways, like homosexuality with the young, and to incest; these are the two most common types of sexual offenders we have studied in this decade.

Society is very severe in its judgment against this type of sexual offender. We do not wish to minimize the wrong, but it would be a mistake to believe that we will solve the problem of the sex offender and his victim only by harsh punishment. The truth is that such a man is usually temporarily emotionally disturbed and requires treatment more than punishment. He often benefits from treatment. Our great concern for the children should not over-balance the fact that a sound education is the surest way of avoiding their victimization by adults. We do not here talk about rape and assault, but seduction by men of young boys or girls who are sometimes at least partially willing victims. The rapist and sadistic murderer is not found in this group of men who commit their first sexual offence in the 40's.



One other striking feature is the high incidence of depressions or feelings of sadness that are severe enough to require treatment in the psychiatric hospital in the penitentiary.

Though "life begins at 40" may be a consoling phrase, for us it is a very sad thought that so many have to wait for forty years before they can begin a kind of life. We can understand how often the criminality represents a last attempt at youth. Many men in this group come to the penitentiary because in their 40's for the first time in their lives they begin to act as if they were in their 20's.

For example, there is the case of a man, middle-class, educated, who has led a life of extreme propriety until his mid-40's. His marriage was unhappy, his wife left him, and he felt abandoned. He found himself in this crisis going for the first time in his life to a cheap nightclub and trying to forget his marital troubles among girls who could only exploit him. He was naive, and became bitterly disappointed when he found no substitute for his broken marriage. On top of this he lost a job on which he had counted to recover his self-respect. At this point he suddenly felt that he must revenge himself somehow and besides, that money might in some way restore his losses of wife, girl friend and job. He compulsively robbed his employer, only to give himself up very shortly after. It can be said with truth that men of this kind are weak and inadequate, but they are not criminal.

In this group, putting aside cases of murder and manslaughter which occur, as in the 30's, only in a personal relationship and not associated with other offences, we do not see cases of violence against the person. We see a few cases of theft, none armed, cases of mischief and fraud, one charge of arson in a man known to be in a state of agitated depression, and various family and sexual offences.

Only two or three in this group had criminal associates. The offences of the rest could be called individual attempts. In the few cases where there was association, the partners happened to be either close friends or in daily work contact. We should add that though we are reporting on only thirty-six cases in this group, a considerably larger number are known to our research team who have worked for some years in this field.

#### **First Offenders in the 50's**

Time does not permit me to go into very great detail about the group of offenders who commit their first infraction in the 50's. I would like to draw your attention to the tragedy of men condemned so late in life. Fortunately, there are few of them. The problem is generally

similar to that of the 40's, with the added factors of advancing age, with its physical deficits and frequently its emotional deterioration. We see here men who have often been living in isolation for years. Perhaps they are widowed or they may never have married and as a result they have no close ties. They are insecure about their future and they feel themselves rejected. They can no longer manage their lives. Crime against property or violence seldom occurs, but out of loneliness and a need for love and human contact they may indulge in some deviant sexual practice for the first time in their lives. Such men are often stunned by their own behaviour and cannot understand how it has come about. As an example, a man of 70, after a full life, having brought up a family in which he took great pride, found himself late in life a widower and at a loss. He lived with a daughter, but was at odds with his son-in-law. This created a deteriorating relationship with the daughter, and he felt abandoned and became withdrawn. As a result, he grew too friendly with the neighbour's children. When I first saw him on the day of his arrival in the penitentiary, I felt that all this 70-year old man needed was a kind word and to be restored to his self-respect. My belief was unchanged when he left the penitentiary three years later. My fear, and his fear, was that he might die in the penitentiary, after seventy years of good and honest life. I have described to you my most dramatic case, but in all these men who come to crime in their late years for the first time there is similar drama. As you might expect, there is no criminal association in such cases. The offence is always an individual, localized act.

### Conclusion

What are the implications of our findings on latecomers to crime? We have tried to establish that these men present special problems, and that they are in many ways different from habitual criminals. If such differences exist, it is logical to assume that problems of rehabilitation and treatment should also differ. I have tried to describe some of the problems. We have grouped them as we ourselves observed the differences in the various age spans according to when they first became delinquent. It is apparent that a young man sentenced for the first time in his 20's would be quite different from the other extreme, a man in his 60's. We have tried to isolate some general characteristics in each particular decade. We have noted that there are fewer offenders as life goes on.

To summarize, in the 20's we find that the majority of our offenders have serious problems, not only within themselves but with society as a whole, and criminality is a combined product of individual and social problems. In the 30's, we see a sharp decrease in antisocial attitudes. On the other hand, the man who comes into trouble with the law in this

decade is generally in serious trouble with himself, which creates problems for those closest to him, whether in marriage, friendship, occupation, etc. The criminality is intended as an attempt to solve these problems, though socially aggressive attitudes may be present. We see the same trend in the 40's, but even more clearly marked. In the 40's there is a predominance of individual problems, and antisocial attitudes are the exception. In the elderly, isolation and psychological breakdown, combined with organic factors, are manifest, and there is no true antisocial attitude.

If the latecomers to crime present similarities among themselves, they also differ greatly. Therefore, it is logical to think that in sentencing (a function that is the sole responsibility of the judge) the judge should take into account the differences between offenders. Also, the clinician who is called to treat and rehabilitate the latecomer should consider the many complex problems that we have tried here to describe in general perspective. I would like to close by some remarks on sentencing and treating the latecomer to crime.

There is a principle in justice that every man is equal before the law. I do accept this principle, but there is another principle apparently opposite that I also accept. This principle is the fact that men are in reality unequal. They are unequal in intelligence, in capacity to take responsibility, in social rank, in physical and mental health, etc. I am quite aware that the philosopher or sociologist might be of greater help in finding a formula which would allow me to reconcile that men are equal to each other before justice but that individually they are so different and unequal. Being neither a sociologist nor a philosopher, I shall not venture to give any formulae or theories to reconcile this paradox. What I would like to point out is that legislators in fact take into account that though the law is one for everybody, some categories of men cannot be considered as equal to others. For example, special legislation is given to the youthful offender and to the criminally insane. In some countries, which are possibly more aware of this problem than we are, the concept of diminished responsibility, applying to a certain group of men, appears to be a step forward.

It is more and more believed that while the law is one for everybody, certain emotionally handicapped people are less able than others to accept and govern their behaviour according to law. In my opinion, the complicated legal process of sentencing should be individually studied for each offender. In saying this, I am only stating new trends in penology expressed by the idea that we should no longer fit the punishment to the crime, but that the punishment should fit the offender.

The question is how to reconcile this with the fact that each man is considered equal before the law. In our British tradition of justice, proof of guilt or confirmation of innocence takes place in the procedure of the trial. The apparent paradox of a man being equal before the law and unequal in fact can be reconciled if we agree at the beginning that every man is equal when it is a question of proving guilt or confirming innocence. However, it is in the sentencing that the inequality of the man should be a major preoccupation of the judge.

Though the function of sentencing is not in the realm of psychiatry, any clinician treating an offender can hardly avoid some reflection about the punishment given. In the course of treatment the offender himself will raise the problem of his sentence. He will discuss whether he was justly or over-severely dealt with, or whether imprisonment was necessary at all. Whether we like it or not, we are faced with analyzing this problem with the patient who is a punished man, and as a result are obliged to make at least a mental judgment on the sentence. I have said that the legal process of sentencing is the sole realm of the judge, and I firmly believe that this should never be a medical function, but as a clinician I must ask myself in what ways can punishment favour or inhibit treatment and rehabilitation. This is well within the competence of a psychiatrist or professional worker in the field of human science.

For example, we cannot escape the fact that harsh, exemplary sentences, which take into consideration only the protection of society at the expense of the guilty man, not only do not fulfill a social function, but seriously inhibit rehabilitation. We realize that it is a difficult duty for the judge to be confronted every time he sentences with the problem of judging an offender as well as the offence. We are also aware how difficult is his duty to reconcile his social function with his responsibility to a given offender. This problem would be particularly difficult in the case of the offender we have described as the latecomer to crime. After having studied 200 of these cases, my workers and I seriously ask ourselves — were they rightly punished? Would it have been possible to rehabilitate them without sending them to prison? I would not care to give final answers to these questions, but I can give you our impression and our feeling.

Out of the 176 studied, we felt that at least forty per cent could have been rehabilitated outside the penitentiary and without any harm to society. In fifteen per cent of the cases, we felt that an attempt at rehabilitation within society could have been made if expert professional assistance were available, when indicated. Not only that, but our impression is that it would be easier for these guilty men to return to society as contributing members if they had not spent two, three, five, or more

years in prison. Let me state, I am not here criticizing the judge; we are quite aware that in many of these cases the judge has no choice. For example, some of these prisoners could not be put on probation as they were in need of more extensive supervision or medical treatment. Such is the case, for example, of many alcoholics where alcoholism is complicated by criminal behaviour. In these cases we feel that if some treatment institution were available, and if the court had the prerogative to sentence them there for a period, this type of treatment would certainly be much more useful than a term in the penitentiary. There are also other cases that are complicated by severe neurotic problems that could be better dealt with by a psychologist or social worker than by a custodial officer.

We would like to see in the near future that every judge could have at his disposal a forensic clinic, which would include a psychiatrist, psychologist and social worker whom he could consult and from whom he would expect an evaluation which would help him to make his own judgment. This appears to be particularly necessary in the case of the latecomer to crime. When these men appear before the judge today it may be that we forget too easily that they have had in the past twenty, thirty or even forty years or more of law-abiding adjustment.

If, as we have suggested, most latecomers to crime can be rehabilitated in the community, it is appropriate to give some thoughts on the treatment of such offenders. This question of treatment is not a simple one, and indeed the word treatment itself needs some definition. By this term we mean any measure which might remedy the many causes, situations and conflicts that contribute to making a deviant citizen out of a generally honestly-motivated man. Here I must recall to you that we have stressed the psychological factors in crime, but we are well aware that there are many other causes. In any case, it should be emphasized that if it is our wish, and I hope it is, to sentence the fewest possible of our citizens to prison, society must be ready to find some alternative solution. I do not think that the forty per cent of the offenders I have described would necessarily have done well if they had only had suspended sentences, with or without probation, though a certain number would have benefited. For the rest, it would not have been sufficient. Then, what is there to offer? We need to approach the problem of the rehabilitation of an offender in the community in its full perspective. Here we might take as a guide the modern centres for rehabilitation of the physically handicapped. The trend there is not only to rehabilitate an arm or a leg, but to rehabilitate the owner of this arm or leg. The comparison might appear a bit far-fetched to you, but with an offender what are we doing?

We are usually very concerned with the offences, but are we not forgetting that the offence is only one of the symptoms and manifestations of a deeper problem? If one sees the offender rather than the offence, one will soon recognize that the offence is only one of many problems and inadequacies.

Forensic clinics that are a part of the court, at the service of the sentencing judge, and clinical centres for the treatment of the offender in the community are two urgent needs. It is necessary to prove guilt, but when guilt is proved then arises another essential problem: what shall we do with this guilty man? We may have divergent views on how to deal with him, but we can, I am sure, agree with Sir Norwood East, "that although the criminal has failed in his duty to society, we are not thereby relieved of our duty to him".

<sup>1</sup> Cormier, Bruno M., Kennedy, Miriam, Sangowicz, Jadwiga, and Trotter, Michel (1959) "Presentation of a Basic Classification for Clinical Work and Research in Criminology". *Can. J. Corrections*. 1, n. 4, 21-34.

*Cette communication décrit un projet de recherche sur un groupe de criminels appelé délinquants sur le tard. Cette recherche est poursuivie au département de psychiatrie de l'université McGill, Montréal.*

*Le terme "délinquant sur le tard" fait partie d'une classification déjà proposée par l'équipe de recherche de McGill. Cette classification fournit un cadre utile pour fins de recherche et de travail clinique en psychiatrie médico-légale.*

*Dans une communication antérieure l'équipe de McGill a décrit trois types de délinquants:*

- 1. Le délinquant primaire, i.e., un criminel qui s'engagea sérieusement dans la délinquance durant la période de latence, continua durant la puberté, et devint un criminel d'habitude durant l'âge adulte;*
- 2. Le délinquant secondaire, i.e., un criminel qui s'engagea sérieusement dans la délinquance durant la puberté et devint un criminel d'habitude durant l'âge adulte;*
- 3. Le délinquant sur le tard comprend tous les délinquants qui se sont engagés dans un ou plusieurs actes criminels durant l'âge adulte, sans passé délinquant sérieux durant la période de latence et puberté.*



*Cent soixante-seize délinquants sur le tard ont été étudiés. Ils ont été répartis selon leur âge à la première offense, soit de 20 à 29 ans, de 30 à 39 ans, de 40 à 49 ans et de 50 ans et plus. Les patrons de comportement criminel, les causes psychologiques, le traitement, le pronostic . . . sont habituellement différents selon qu'une première offense ait été commise dans une décade ou l'autre.*

*Les délinquants qui débent dans leur vingtaine ont un taux élevé de récidive. Les attitudes et les comportements antisociaux sont dominants, bien que moins marqués que chez le délinquant primaire ou secondaire. C'est surtout dans ce groupe que se recrutent les délinquants sur le tard habituels.*

*Chez les délinquants qui débent dans la trentaine, les attitudes anti-sociales sont beaucoup moins prononcées, sinon absentes. La criminalité est souvent en relation directe avec des problèmes névrotiques. Les conflits familiaux, les dépressions réactionnelles, les réactions de deuil pathologiques sont des facteurs étiologiques importants des actes délinquants rencontrés dans cette décade. Le taux de récidive est plus bas que dans le groupe délinquant qui commet une première offense sérieuse dans la vingtaine.*

*Chez les plus de 40 ans, les attitudes anti-sociales sont presque inexistantes et la criminalité apparaît comme une résultante de problèmes personnels, d'états dépressifs ou maniaco-dépressifs larvés. Après la cinquantaine, les actes délinquants sérieux sont peu fréquents, et souvent découlent du vieillissement avec tout ce qu'il entraîne de déficit émotionnel et organique.*

*Le terme "délinquant sur le tard" ne remplace pas d'autres concepts déjà utiles, tels que "délinquant à collet blanc", "délinquant normal", "criminel passionnel", mais ce terme générique englobe tous les délinquants adultes sans passé sérieusement délinquant durant la période de latence et puberté. C'est un concept psychodynamique; le délit est envisagé comme une façon d'étudier le délinquant, et l'étude est centrée sur la formation de l'égo et sur les mécanismes de défense des délinquants qui ont enfreint les lois après avoir atteint l'âge adulte.*

# Family Conflicts and Criminal Behaviour

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Crime is by nature and definition antisocial, infringing as it does on the security and rights of others. When, however, we look at offenders themselves apart from their offence, they are by no means all antisocial citizens. Furthermore, the motivation behind an actual offence may or may not be antisocial.

Certain patterns of criminality can be partially explained by early defect in the process of socialization. This social deficiency is an important factor in habitual criminality, which is indeed one of our most difficult problems. It remains, however, that the majority of offenders appearing in our courts are not basically antisocial, if we examine the total personality of an offender rather than a single or repeated symptomatic act. Many may be described as deeply disturbed and perhaps insufficiently responsible individuals.

We have been studying a group of 176 latecomers to crime, that is, offenders who appear before the court and are sentenced for the first time in their 20's, 30's, 40's and on, with no previous criminal involvement or fixed pattern of delinquency.<sup>1</sup> In our study we found that many of these men bore no grudge against society at the commission of their first offence, though they sometimes developed one to a certain degree following harsh or excessive punishment. This was most evident in the case of married offenders when the sentence, instead of aiming at rehabilitation and restoration of family, only further disorganized and dislocated it.

The study we are presenting will refer to a particular group of offenders within the 176 latecomers to crime, that is, to men who have committed a first offence some time after marriage. In the large number of cases, criminality resulted from a conflict of relationship between husband and wife and children, a conflict which was acted out in a variety of offences within or outside the family.<sup>2</sup>



Many delinquent acts of children can be understood in the context of an unfavourable family situation. There has been little serious study given to the fact that these same family conflicts may also result in adult criminality. While there is a great deal of literature on what we call the "problem family", including the problems created by the incarceration of a husband, too little attention has been given to the dynamics within the marital relationship that created sufficient disorder to send a man to prison. The adult offender as part of a family constellation merits as much consideration as the study of the delinquent child within his family group. We do not mean to imply here that every individual who commits an offence after marriage should be called a family offender; but the fact that as many as 102 of our latecomers came to court only after marriage was sufficiently striking to make us attempt to assess to what degree the family situation itself had contributed to criminality.

Of our 176 offenders, 115 were married and 102 committed their first offence after marriage. We have divided these 102 offenders into five groups, though we are aware that not every case is clear cut and that some of the offenders fit into more than one category.

Our first group is of offences committed entirely within the framework of the family itself, for which the offender was charged, tried and sentenced. In his history there is no other type of offence whatever. The offences themselves include incest and homicide restricted within the family. The majority of charges, however, consist of assault on wife or children, alcoholism, failure to provide and abusive conduct in the home. We have thirty-four offenders in this group.

There is a second group where criminal acting out takes place both within the family and also outside. That is, an offender will show on his police record a charge for non-support or assault in the home, followed perhaps by one of drunken driving or forging a cheque. These offences outside the home whether slight or serious, however, took place only after the marriage. There are seventeen in this group.

In the third group, contrary to the two first, there is no serious acting out within the family, but criminal breakdown occurs outside. The offences appear, however, to be directly related to a crisis occurring in the family. The problems are displaced outside, resulting in an offence. There are eighteen in this group.

The fourth is a group of husbands who may or may not have severe marital problems, but who have a sufficiently severe personality problem where an additional family stress ends in crime. In this group we have twenty-three offenders.

There remains a group of men who, though they committed their first offence after marriage, show no meaningful connection that we could discover between the marriage and the criminal acting out. They may have a bad marriage, which seems a continuation of previous poor personality relationships, or they show marginal acting out which later becomes frankly delinquent. There are ten offenders in this group.

In our *first group* of offenders, that is, those whose criminality lies entirely within the family, the most obvious offence is the one of incest. This is intrinsically an intra-family situation and all concerned are family members. We have studied a group of incestuous fathers.<sup>3</sup> We can here only say briefly that in incest there is a deep-seated pathology of interpersonal relationships, which goes far back in the early history of the husband. Another striking offence is the murder of one family member by another. Here too we have studied a group of husbands who have killed their wives and which we have reported on.<sup>4</sup> One of our conclusions is that this kind of murder results from a deeply rooted disturbance between husband and wife, where the husband finds himself in an untenable position from which he cannot extricate himself. Finally, the only solution apparent to him is to destroy the object he is unable to separate himself from.

Most of the offences, however, in this group are by no means so severe. These are the "family problem" cases, the chronic burdens of social agencies, involving frequent court appearances for non-support, assault, abusive behaviour in the home and often resulting in delinquent behaviour in the children. Except in severe cases, they are seldom referred to penitentiary, but are usually given suspended sentences, fines and short prison terms. This type of problem often appears under the Juvenile Court Act, but is more frequently seen in the magistrate's court.

The most conspicuous factor in the marriage is the interlocking relationship between husband and wife; there is frequently an interplay of sado-masochistic features on the part of both. Even in marriages where the wife appears passive and martyr-like, there is usually much latent hostility which displays itself in frigidity, in withdrawal, or in a sudden about turn of role. The wife, previously submissive, will become very punishing, will lay a charge against her husband or leave him briefly. It would seem that the wife in such cases cannot tolerate a stable and orderly marriage, any more than the husband, despite her protestations. Interestingly enough, in cases when the husband has developed some insight, perhaps following treatment, and is prepared to undertake a more responsible part, the wife may respond by being quite vindictive or she may break down herself. The children in such marriages suffer greatly, because neither parent is primarily concerned with their well being.

The wife complains about her husband's alcoholism, his aggression, his misconduct to the children, but, locked herself in the conflicted relationship, she too sacrifices them. The following are examples of this kind of situation.

G. is a man in his middle thirties, the father of six children, five daughters and a son, the last child, the result of an extra-marital affair. Following a quite severe beating which he inflicted on his wife, he was sentenced to two years in the penitentiary. This was his first offence.

G. came to Canada to enlist in 1939, when he was 17 and remained here. Born outside Canada, he was an only and adopted child. His childhood was quite favourable, but he was loved by the mother rather than the father. On her early death, the father remarried, and his interest then centred on his new family and his other relatives. He was disappointed in his adopted son who was rather spoiled and high tempered, but was never in trouble with the law as an adolescent. His army record was good and after discharge he settled down to employment. He had some difficulty becoming established occupationally as he had no trade, but he was strong, quite intelligent, and eventually became a foreman in a factory. He was a good, conscientious worker. At 24 he married a woman a year younger than himself. She had had an illegitimate baby which was adopted by a family member. Moreover, the marriage was precipitated by her pregnancy. G. was fully aware of her history and this was no overt problem at the start of the marriage. Both husband and wife claim that they had four or five good years. The babies came very rapidly, but G. loved children and was a good father. There were stresses in the marriage, however, which told particularly on the wife. The children were frequently ill which created financial problems. After the fifth child, the wife herself became ill and underwent a hysterectomy. The marriage which had already begun to deteriorate grew from this point increasingly bad. Sexually the wife became cold. Their relationship had previously been good and he felt the difference keenly. She became very nagging and scolding. She also insisted on buying household appliances on credit; when payments were not met, the articles were repossessed and this resulted in his losing a good job, as his company had a rule against this practice.

G. claimed that it was due only to her withdrawal that he started to drink, and also became involved with another woman who bore him a son. It happened that he badly wanted the son. By coincidence, the children born to both partners out of wedlock were sons.

The wife, on her part, while admitting that she had become cold to her husband, claimed that his temper was dangerous and that he no longer supported the home adequately. She blamed him for everything and accepted no responsibility for his loss of job

due to her buying on credit. They were forced to move to much poorer quarters, the quarreling grew more violent and on one occasion he hurt her quite severely. She laid a charge of assault and misconduct in the home and he was given a two year sentence.

In prison G. underwent considerable change. Free from the turmoil and confusion of the past few years, he could see his situation more clearly, and assess his responsibility. Though resentful of his wife's action, he wanted badly to re-establish a sound marriage. He longed for his children. The wife was at first rather vindictive and also afraid, as she had been instrumental in sending him to prison. However, left alone to handle her many difficulties, she began to realize not only that he was in some ways a good father and husband, but that the children were miserable without him. She knew that she had contributed her share to the accumulating crisis. She even went so far as to say that sometimes she had deserved it when he had struck her. She admitted that she still loved him. She therefore tried hard to secure his release on parole and was successful. The marriage was re-established on a sounder basis.

Following is the case of a 38-year-old man B., sentenced to two and a half years for violence and drunkenness in the home and physical attack on the wife.

B. comes from a small rural community, is the third born of a family of ten. His childhood was not unhappy; though his father was a small farmer, there was no want. He was fond of his parents and on good terms with his siblings. B. is of below average intelligence, and this has to some extent handicapped him, but not occupationally. He is really proud of his good work record which gives him satisfaction and a sense of status.

One of his problems has been drinking which began at age 21, and which he has continued off and on since, perhaps to make up for feelings of inadequacy.

At age 35 he married a young woman of 22 after a two month acquaintance. This marriage followed the breaking of a four year friendship with a girl he liked, but who was of a different religion. According to B. there was one good year in the marriage, but after that difficulties piled up. His wife, an outstandingly poor homemaker, could not manage money and ran him seriously into debt. She was sexually very demanding, and soon became unfaithful. There were many fights and sometimes B. lost control and struck her. She retaliated by laying a charge for which he received a two and a half year penitentiary sentence.

The wife remained in the home with the two children aged 3 and 2, but her behaviour was flagrantly bad and she openly used money provided by Social Service for drunken parties. The social agency eventually intervened, and she was in her turn sentenced

to prison and the children were placed. Once in prison, she became superficially quite penitent, and wrote her husband frequently with the hope of a reconciliation. An interesting reversal of feeling now took place in B. He softened in his attitude and began to debate taking her back, and determined not to exclude her from any future plans, because of her infidelity, her accusations which had resulted in his imprisonment, and the fact that she had broken the home.

Shortly after his release, there was therefore a reconciliation and the family was re-established. At first, things went fairly well, perhaps because both partners disliked the interference of agencies and were in a sense banded together. However, the old pattern re-asserted itself with the additional problem that B. could not find a job. The family not only had to live on relief, but B. no longer had the pride and satisfaction of work, and accordingly was even less able to cope with his wife. Aggressive and primitive as she was, she could stand frustration no better than he and she did not have his strong conventional morality and love of family to act as controls. The result was that, after a few months, she left with a lover. There is sufficient weakness in both husband and wife to make it doubtful whether the marriage could have succeeded even with the kind of help it needed and did not get. One can also say that his choice of wife is no accident; in a relationship of this kind, he will always be the victim. The fact remains that B. was not delinquent before marriage, never antisocial at any time and that, of the two partners, the wife was the more overtly delinquent. From his last failure he seems to have learnt to accept the loss of his wife, and has re-established a home for his children with one of his sisters.

When we look at these families who have in common that the husband was sentenced to prison as a result of an acute familial crisis, what is apparent is that, though in both cases the husband was legally guilty, the wives also have their share of guilt. In the case of B. the wife's delinquency was sufficiently evident that she too was imprisoned. In the other, the wife recognized that she was herself partly to blame.

The problem in these relationships is that husband and wife mutually act out their conflicts on one another so that, for an outsider, it is difficult to see who provokes whom. By the same token, it is not easy to pick the victim (except for the children, who are always victims).

There is a struggle for predominance in this type of marriage, often taking the form of a fantasy that, if sufficiently punished, the other partner will submit. We see husband and wife alternating in this role. What is also significant is that the conflict remains within the family, the partner always being the significant adversary. They seem

to have no need and no room for other objects of hostility. This is especially true of the husbands in this group as most of them have exceptionally good work records and often a good potential for social relationships. We have observed in prison how easy it is for them to establish good social rapport outside the family. For the wife this is equally true, though in some cases when the husband is imprisoned she tends to find another and perhaps similar relationship that leads to the same acting out. This time, as it is extra-marital, it is regarded as delinquent. Most wives, however, do not enter into this delinquent category, but respond rather by drawing sympathy, pity and attention to their plight. Also characteristic of this group is that when a separation occurs, the marital partners are unable to be uncomfortable alone. The relationship is usually resumed, both promising to improve and change. Once together again, the same pathology recurs, the same interplay of forces resulting in continued criminality within the family.

The *second group* which shows criminality both within the family and outside reveals essentially the same pathology as the first. These cases should not be confused with those of criminals, habituals or otherwise, who have a pattern of criminality and who also may have conflicted and difficult marriages. What is important here is that the problem of criminality did not exist before the marriage; the stresses of the marital relationship were at least a factor in breakdown. We are here dealing with severely disturbed personalities, but it remains that the individual was able to function in a non-criminal way till marriage. The problems within the marriage were so acute that, whether the offence was theft, bank robbery or other apparently unrelated acting out, it cannot be seen apart from the family situation. The following cases illustrate this.

R's ongoing problem is alcoholism. He has been a heavy drinker, with short periods of abstinence, since age 17. He managed, however, to make a good work adjustment and, on the whole, continued to be a good worker and provider for his family for the first twelve years of his marriage. R. has five children ranging in age from 16 to 8. He was involved in no criminal behaviour before marriage.

R., now 44 years old, comes from a working class family, living in an area where a certain amount of drinking is the way of life. (This drinking, however, has created no very serious problem for the other members of his family.) He went to work at 14 and managed to pick up a semi-skilled trade as a mechanic. He worked in one job for fourteen years, interrupted only by the war.

R. married at age 26, quite impulsively, shortly after he enlisted. The wife states that she too married on the spur of the



moment, perhaps because she was trying to get over a broken engagement of her own. She knew that he drank too much, and she claims that neither was in love.

The marriage has been a battle ground, the protagonists being husband and wife. They are quite evenly matched, giving as much punishment as they take. There have been separations, usually instigated by the wife, when she found her husband's conduct unbearable, or his earnings dropped through drink and he no longer supported the marriage. The separations were brief as she invariably tired of these relatively quiet periods and took her husband back. Once R. spent a few months in prison for theft committed during an alcoholic period when he was particularly short of funds. He and his wife were separated and on very bad terms prior to this crisis, but he nevertheless returned to the home. The situation continued from crisis to crisis with various charges of non-support. Eventually the wife laid a charge under the Juvenile Delinquent Act for which he was given a two year sentence.

R's attitude to his wife is a curious mixture of cynicism and some contempt (he calls her an accomplished liar and manipulator), need to establish mastery, and affection, in spite of all. He has no intention of leaving the marriage. In her turn, the wife has expressed fear of his retaliation and anger, as she in fact laid the charge for which he served a prison term. She claimed she would get a legal separation and a divorce. This avowal was somewhat discounted by her continuing to visit him in prison, taking care to make herself as attractive as possible. In the course of this protracted struggle, neither parent showed a consistent interest and concern for the children. The eldest boy, aged 14, became delinquent, and the girl of 16 planned to leave home as soon as possible.

A change in R's pattern took place in the course of his last prison sentence. With enforced abstinence from alcohol, he not only recovered his health, but for the first time in many years was able to think clearly about his life. He was in group therapy for several months. To some extent he began to see his own role, and to understand his wife. He still wanted to return to the marriage, but under different circumstances, and he was unhappy because his wife took the attitude that she was faultless and that he was the one who had to do all the changing. On his release, she veered between a desire to re-establish the marriage and a continuing need to punish, which was evident when she assured him that the judge promised her that if he did not find work, he would be re-arrested. R. accordingly has not yet returned to the home, realizing that, without a mutual understanding, the marriage will break down again.

Another example of a highly conflicted marriage, with criminality outside, is of Mr. V., now 38 years old, the father of two daughters, aged 4 and 2. He suffered from severe personal problems, but no fixated delinquent pattern till after his marriage at age 33.

V. was born in Central Europe of a poor farming family, came to Canada with his parents when he was 4. He was a most unhappy child, overtly hostile to his father, who was a punishing and unprotecting figure. As for his mother, she was outwardly kinder, but she would get other people to punish him if he offended her. His childhood and adolescence could be characterized by a failure to identify with any important family member, a feeling of estrangement, and difficulties in attaching himself.

As a young man, V. drifted from job to job, suffered periods of depression for which he was twice hospitalized and became involved in some unhappy love affairs. He drank periodically when unhappy.

At age 33 he married a younger woman who was pregnant by him. The marriage was outstandingly difficult from the start, though the wife was both long suffering and protective. V. was not only an unsteady and unreliable worker, but he often moved his family from town to town, sometimes leaving them stranded without means. V. was fond of his wife and children, and wanted to provide for them, but he became despondent and restless when jobs did not turn out as he hoped. In emergencies, he forged small cheques, and though his wife managed to intercede for him several times, he was in the end charged and served a sentence of one year.

On his release, V. was again very severely depressed and hospitalized. This time he made what appeared a rather good recovery, showed some insight into his problems and began to plan constructively for his family. He wanted a better home for them and a steady job with some training. Most important, he showed real understanding of the effects of the poor marriage on his little girls who were suffering physical and emotional stress.

At this point, the wife, who had previously showed herself extremely sympathetic, made an abrupt about face. She began to complain very bitterly about her husband's misdeeds and his interference in her management of the home. The wife was an outwardly gentle, but very tense, woman, with many somatic complaints and a cancer phobia. She seemed to feel that too much attention was being paid to her husband, and she now made her own claims. Most of all, she did not want him in any way leading the family. V., who had meantime left the hospital, found a job and succeeded in moving his family to a better home, was at first outwardly submissive in the face of her attacks, but rapidly grew depressed under the onslaught. Many of his wife's accusations were well founded since V. had certainly been a delinquent husband, but her view



was that only he was to blame and that there was no need for her to change as she was the innocent victim. In fact, she wanted him punished. Accordingly, V. not only left his job, but used household money for drink, sold furniture not yet paid for, and again forged a cheque. He was then both frightened and contrite; in this crisis, the wife forgave him, helped him evade the consequence of his forgery and restored him to his former position of dependent child.

The dynamics of these two cases show all the characteristics of the first group. Why the husband becomes antisocial outside the family is difficult to understand, except that in our particular example the wife appears to be stronger and more dominating. This may prove too frustrating for the husband. When he cannot retaliate sufficiently in the marriage itself, he displaces the problem outside. Husbands tend to blame the wives directly for the offence and punish them by committing misdeeds outside the home, which may hurt them, but they seem to feel that it will hurt the wife more. This is followed by contrition and a desire for forgiveness. Many of the wives under great provocation may entertain ideas of leaving the marriage, but even if they leave, they usually return at the slightest sign of repentance and regret. Both partners frequently claim that they resume only because of the children, not realizing how injurious their retaliatory relationship is.

The *third group* we have isolated is perhaps more difficult to delineate because the offence takes place outside the family itself. It may therefore appear unrelated to family conflict. The sequence of cause and effect, however is striking. What occurs in these cases is that the husband is faced with a loss, or the fear of a loss, of a marriage on which he is very dependent. This may be a good or a bad marriage. Sometimes there may be a severe loss outside the marriage, like unemployment, which brings out inherent weaknesses in the marriage and creates a crisis. The husband is unable to accept the situation, to find a satisfactory solution, and he goes into a depression. In the course of this depression, he will commit a criminal offence, sometimes a serious one. Very frequently this offence is committed in the hope of re-establishing a broken marriage, occasionally in retaliation or revenge against a wife. It may even be committed as a means of restoring a lost sense of security.

An example of this kind of situation is the case of Mr. C., a man in his late forties with a middle class background, who did quite well occupationally and made what appeared at least to him a good marriage.

His childhood was not a happy one. There was a great deal of constraint in the home as his father was an unreasonable, difficult man, and his mother was not overly affectionate. Great demands

were made on him with regard to behaviour, scholastic attainment, and choice of friends. There was also open rivalry between himself and the only other child, a younger sister. She was considered the brighter, outstripped him at school, and perhaps as a result, he refused a university education. He took commercial courses, however, and did quite well, eventually holding a well paid and responsible position. He was timid with girls and was sexually very inexperienced.

At age 30 he married a girl ten years younger, but did not establish a home till some years later, when he left the Army. His wife was a good looking, extremely bright young woman with a large circle of friends.

The marriage went well from C.'s point of view, with some reservations. There were no children and the wife refused to consider adoption. She also insisted on continuing to work though he earned enough to support the marriage. She was very house-proud, wanted money for the home and to maintain her position in her social group. The good opinion of her friends and associates mattered a great deal to her.

Things, however, went well for about fifteen years till C. lost his job. Due to a conflict of loyalties, he did not report some irregularities on the part of his immediate superiors. The result was that all involved were dismissed, but there was no question of legal proceedings, as no loss was sustained. He was very distressed over the affair, questioning his own ethics, but there was no problem in finding other work. The wife reacted very sharply, however; she felt ashamed and humiliated at his loss of a job. She insisted on leaving their home and moved by herself to another neighbourhood. She did not at first actually refuse to return to the marriage, but kept putting off forgiveness.

From then on C. had an increasingly difficult life. He moved to another city where he earned more money, but spent it keeping in touch with his wife. As she continued to live and work on her own and established herself as a separated woman, he became very disconsolate. He struck up a friendship with a waitress in a café, and having no experience with clubs and night life, found himself disillusioned and angry at what he considered her immorality. In trying to regain some of the property he claims he lent her, he was accused of theft and ended by spending a short term in prison. On his release, he was hospitalized with an osteomyelitis of the jaw. Still in a state of resentment, he visited the waitress to get back some of his books and was beaten up by two of her friends to the point where again he had to be hospitalized. By this time, he had, in his own estimation, sunk far below his previous irreproachable position. He had lost his wife, his social standing, and occupationally he was now at a very low level.

At this point he found a temporary job, and was overjoyed when he was told after a short time that it would be permanent. The work, though inferior, was in his field, and for the first time in many years, the future held some promise. He began to feel that perhaps he could rebuild his life, and eventually even convince his wife to return to the marriage. When therefore he was let off a few days later because the former employee returned, his disappointment was extreme. He now felt that he must hit back at something. Quite impulsively he walked off with the company payroll, left town the same day, and moved to another city. In the course of the next two weeks, he gave away most of the money to charity, and to a needy friend, and spent the rest. He then returned and gave himself up to the police, and was given a four year sentence. His wife told him that, as he was a thief and a jail bird, he could not expect her to return to the marriage.

In trying to understand the sources of C.'s problem, it is evident that he had serious conflicts in early family life, especially with the younger sister. He felt intellectually inferior with no cause, and this impaired his achievements. He refused a university education, which would have meant exposing himself to further competition with his sister. Nevertheless, he managed his life reasonably well, though he operated below his potentialities. By lowering his aspirations, he could deal with what was for him too painful competition.

He was faced with the problem again when he married a woman with many of his sister's qualities, her dominance and her drive. Unlike the sister, however, he could not escape this problem with the wife, because she demanded a good deal. She wanted him to live up to her standards, which were, for him, impossible. He responded by giving in, instead of asserting himself. His way of meeting her attack was to withdraw and become detached, but he remained badly in need of her, and would not on his own have let her go. The wife, however, was increasingly disappointed and eventually left. It was the refusal of the wife to carry on which triggered the series of events that led to criminality.

Criminality in this case, as in others, cannot be understood only in terms of family life, but what is notable is that the major conflict that contributed to the criminality lay in the marriage itself, though it was eventually acted out in an antisocial way outside the marriage.

Another example of criminality outside marriage, precipitated by a loss, but closely related to the marriage itself, is the case of Mr. A., a 28-year-old French Canadian coming from a remote rural area, married, the father of two children.

As the youngest son and one of the last born of a family of ten, A. considers his childhood on the whole happy, in spite of the fact that his mother died when he was only 7. The father did not

remarry, the eldest sister took her place and there was a close-knit family group. A.'s father was a poor farmer and, while the family did not go hungry, there was little schooling as the children had to work early. A. was a good scholar and regretted leaving school at 13, but he did not at all object to work, especially outdoors. Though rather a gentle personality, he liked sports, particularly hunting.

To better himself, he came to Montreal and lived with an older sister; then moved to a family where he married one of the daughters. He made a good work adjustment and became a garage mechanic and auto repairman. He was able to establish a comfortable home and he thought of himself as well off. His marriage was a happy one.

The first major crisis in his life came three years after marriage, when he lost his job due to a business recession, and could not find sufficient work to maintain his standard of living. The family was forced to move into one room, giving up their furniture which they prized, and he went through a difficult period of work hunting that went on for several months. A second child was born to them at this time. Eventually he found work, but he had to move his family to an outlying suburb; they were therefore isolated.

One day he went out for a walk taking his gun, for no particular reason that he now remembers, but on the way the idea occurred to him to rob a bank. He went into a small suburban bank, demanded money, which he got and then ran aimlessly into some woods nearby. He threw away his gun and did not know what to do with himself. After a while, he walked out and was arrested. He received a five year sentence for this offence.

When seen in prison shortly after he first arrived, he was in a state of grief. He wept a great deal, and he was very unhappy over his family's poor situation and his own behaviour which he could not understand. He explained that it was as if someone else had done it, that it happened to him suddenly "like a blow". His depression began to clear up when he discovered that his wife had forgiven him, and also that she was not, as he feared, abandoned and destitute. Social agencies had helped the wife to move back into town and were assisting her. Once assured about the safety and continuity of the family group which mattered so much to him, he adapted fairly well to prison. He looked forward, however, only to rejoining his family.

This type of offender, whose delinquency is precipitated by family crisis, is the nearest we can come to what is sometimes referred to as "the normal offender". This man was completely non-delinquent before, and the probability is that he will return to a non-delinquent pattern for the rest of his life unless he is too damaged by over-harsh punishment. The dynamics in this case can be seen originating in his family of origin. Certain early unresolved conflicts were passed on to the family he later

established himself. In spite of the loss of the mother, the father and siblings re-established a cohesive group, where all helped one another. Undoubtedly the home grew to symbolize the lost mother. His continuing need of a family is shown in the fact that he remained with them until he came to Montreal, lived in Montreal in his sister's family and then moved to a friend's family, where he looked for the same close-knit integration and protection. This was positive, as it gave him the sense of security he needed, but the negative aspect lay in the fact that, without the family, he felt lost, at an age when he should no longer have been so dependent.

In spite of this latent insecurity, given normal conditions he was able to establish his ideal, a family similar to the one he came from, which he could now head. Along with the warmth and protection towards his wife was a great deal of dependence on her, and an underlying fear that something might destroy the good. The loss of his job recalled the loss of his own mother. When he could not re-establish himself as an earner, he saw himself losing everything, and the birth of another child added to his sense of loss and increasing panic.

As his depression grew deeper, his own family became increasingly a burden rather than a help. This is an example par excellence where, even in a good marriage with no serious psychopathology and no social problem, a crisis may lead to breakdown, here expressed in a criminal acting out.

In the *fourth group* the criminality, though occurring for the first time after the marriage, seems remote from the marital situation, and in fact the relationship to the offence is not direct. When we study the history, however, we see an individual with a severe and ongoing personality problem. The man functions fairly well in the marriage, but the pressures even in a satisfactory relationship, added to a prevalent feeling of inadequacy, may end in a criminal act. He may seek to preserve status in a marriage where he feels himself inferior, or cannot give enough. Thus the marriage, whether in itself good or the reverse, will create stress for an inadequate personality. An example of this kind of situation follows.

Mr. Y., in his early thirties, is serving a very long sentence for a series of bank hold-ups he carried out with two associates, some five years ago. He is married and has one son now 9 years old.

He was not delinquent either as a child or adolescent, and was in no trouble with the law till this very serious offence; his marriage appears an unusually good one. His offence can be seen as an outcome of his continuing problem, which his marriage in one sense relieved, but in another aggravated.

In his childhood, he was cut out of his father's affection by the latter's preference for his older sister and an exceptionally intelligent but invalid brother, who died young. The father was a man who gave little to the home and was much involved in outside activities. He was also given to petty pilfering, for which he was never caught, was an unfaithful husband who eventually left the marriage. In contrast, the mother was gentle and over-protective, but was also highly religious with a rather inflexible moral code.

Y. responded adversely to this difficult family situation, even as a child. At school he was unable to learn to read and write, and his I.Q. was assessed at below 70. Interestingly enough, in prison he has learned to read and write quite adequately, and his intelligence is manifestly normal. Y. had a hard time at school, felt himself humiliated, and responded by fighting his way out. At the same time he avoided trouble as he was very much under his mother's protection and influence. As a young man, he developed a rather devil-may-care attitude, but felt deeply and consciously insecure and inferior, due to his lack of attainment. He was nevertheless socially acceptable and made out well occupationally in a semi-skilled job as a machinist's helper. In his estimation he had little chance of achieving a rather high aspiration level.

He wanted to succeed in order to please and support in style his mother, who still dominated him, and more important, his wife. He loved his wife who was pretty, competent and evidently his superior, and he badly needed to establish himself as head of the home. In spite of a nagging sense of frustration and his inability to bestow all he wanted on his family, the marriage went very well and at no time has there been marital discord. However, after five years, he met a fellow worker, much more knowledgeable and intelligent than he, who offered him a chance to participate in get rich quick bank robberies. Y. was tempted and became involved, along with a third partner who, interestingly enough, has much the same history of a good marriage in a man with a basic longstanding emotional problem.

The robberies were successful at first and Y. spent money freely on his wife and mother. The wife soon discovered the source of his gains, but by then it was too late to prevent his continuing. The three partners were caught and given an exemplary sentence.

Fortunately for Y. both his wife and mother have stood by him, and though he has his bouts of jealousy and fear of abandonment, he is increasingly aware that he can re-establish his personal relationships on a sounder basis. Most important, he is no longer handicapped by his inability to read, and has overcome his acute social embarrassment on this account. Feeling now more adequate, able to maintain his family by his own strictly legal efforts, he will probably do well, if he is released reasonably soon on parole. Should he remain too long, and in particular if his wife cannot tolerate the separation, the prognosis is poor both for his adjustment inside the penitentiary and after.



In this case, the problem lies in Y.'s feeling of inferiority in relation to his wife and mother. Though the wife is dominant by character and attainment, she did not use this against her husband. However, his own sense of inadequacy, despite his good showing, came to mean something he must overcome by almost any means. Money and material assets symbolized for him a better picture of himself. Though there was a desire to achieve social status, the main need was to establish himself as the protector and recognized head of the household. This is shown by the fact that he used the money not for himself, but to give his wife what he felt a good husband should. He saw the criminality as the only way to overcome his financial inferiority and his personal deficiency.

In the *fifth group* we were unable to trace a significant relationship between the marriage and the offence. In some instances the marriage appeared a good one; more often it was not. Usually antisocial behaviour on a marginal level existed before the marriage, and this continued till eventual breakdown in an indictable offence.

An example is a man who in his 20's developed a pattern of black market activity, due to his need to make quick money. His dealings were sometimes within the law, usually on the fringes, but he managed to stay out of trouble. He was promiscuous besides and did a certain amount of drinking. He met a girl, thought he was in love, and married her. She made him a good wife, but he did not even try to change his way of life following the marriage. He continued to have affairs, to spend freely in night-clubs, and to be mixed up in shady deals. In the process of this marginal activity, he was involved in a fight which resulted in manslaughter. He had meantime maintained the marriage more or less as a separate part of his life. In other words the marital relationship did not affect this man's pattern of behaviour, which eventually got him into trouble and resulted in a penitentiary sentence.

### **Prevention and Treatment**

Having described the family offenders and some of the psychodynamics involved in their conflicted and difficult relationships, we are faced with the all-important question of prevention and treatment. Almost all offenders bring sorrow and distress to those close to them, but most especially is this true of family offenders, involving as they do every member, both in the commitment of the offence and in its consequences.

Let us say at once that in our family cases, treatment, to be successful and to avoid recidivism, must generally include the family as a whole. We cannot separate a family offender from his sphere of activity, the family itself. Needless to say, treatment for this kind of family should

occur before the situation becomes so critical as to warrant a charge, or, if a charge is laid, treatment should, if possible, replace imprisonment. These cases are difficult to handle, because of overt hostility, bitterness and recrimination. Frequent recourse to courts further intensifies animosity on both sides. Agencies dealing with these families find themselves faced with a character disorder on the part of the husband, a vindictive and reproachful or a martyred wife and disturbed or delinquent children. It is understandable that these families are often classed as almost untreatable.

But many display considerable potential strength along with the only too obvious disorganization. A surprising number of husbands, for instance, are well regarded outside the home, and are good workers, taking considerable and justified pride in their capacity. This ability to work is often one of the assets that can help restore a marriage. One should not underestimate the fact that many of our delinquent fathers feel financially and morally responsible for their families. If they evade this responsibility it is often due to a need for retaliation, or a reluctance to give to a wife with whom they are in conflict.

An even more important element is that, in these severely neurotic marriages, husband and wife have a great need of one another, whether for good or ill. Faced with prison or separation, both may be motivated for treatment. It must be stressed, however, that it is essential that the wife accepts that she, too, needs some help, otherwise a plan to restore the family generally breaks down. Unless she recognizes that she had certain needs that drove her into this kind of a marriage, and unless she also involves herself instead of only blaming the husband, the outcome is poor. On the other hand, where husband and wife both accept some responsibility, the outcome is often good. We have treated some cases successfully, where imprisonment was avoided and the family restored to better functioning. We hasten to say that treatment does not solve all problems, nor does it always result in a hoped-for establishment of a sound marriage. Though this is desirable, a well-planned separation may sometimes be the better solution. Even though the father is out of the home, the pattern of criminality may cease; there may be greater responsibility on the part of both parents, resulting in more security for the children.

In attempting to treat those offenders who have committed their offences outside the marriage, we often find that a separation has already taken place and has, in fact, been the precipitating cause of the criminal acting out. Unlike those whose offences occur within the family, the husband in this group tends to avoid a quarrel in the home because he



is exceedingly dependent on the wife. It is only after he has been sometimes literally abandoned by her that he may become revengeful. Even then, the acting out has often as its aim the return to the family. We find this man in prison, having had no news from his wife for years, still living in fantasy, refusing to accept the hard realities of his situation. He continues to mourn her loss, and he is determined to restore a no longer existing marriage. This man must be helped to face the fact that his wife has left him, to pass through normal grief and mourning, difficult though it may be, and to see his wife and their relationship as it really was, assessing his own responsibility in the unhealthy marriage as much as hers. He is then able to plan, to re-establish himself and build a better life.

Where there is an ongoing personality problem, we are faced not so much with the treatment of a family, as one of helping an individual from the perspective of his own life-long inadequacy. However, though the husband needs highly individualized attention, the role of the wife cannot be overlooked. She must be aware both of her husband's problem and the resulting stresses created by his sense of deficiency and frustration even in a good marriage.

In conclusion, let us emphasize again how large is the group of late offenders who come to commit crimes as a result, direct or indirect, of a pathologic marriage, or a marital crisis. Let us remember that these are not usually habitual criminals, but people who break under the continuing stress of a highly conflicting and damaging family relationship; or they may be faced with an external situation which is too much for them. In law, an offence is described and an individual who commits it is sentenced. Many husbands and fathers who commit offences are thus sentenced. The tragedy is that so frequently by this means we evade the main problem, and we risk a repetition of an offence. In prison, the father not only fails to understand what has happened to him, and why, but he continues to fail even to support his family for whom he is responsible and who are usually on relief. The mother, in her turn, fails to maintain a stable and sound family and there is often conspicuous breakdown in the children. Everyone is punished, victim and aggressor. To continue to deal with these family offenders by punishment alone, after a law has been broken, only tends to deepen and prolong the crisis. Children of such families grow up to produce similar disorder in their turn. We do not say that people who commit these offences should be allowed to go their way, as in fact they would usually only continue their destructive pattern. But what is essential is a sound rehabilitation program, based on an evaluation of all the many sided interlocking factors,

in the personality of the man, in the marriage and in the social environment. Such a program, whether the offender is in or out of prison, depends for its success on the treatment of the family as an organic whole and not with a single deviant member. This may be a complicated and difficult task, but here is where our efforts should be directed.

- <sup>1</sup> Cormier, Bruno M.; Kennedy, Miriam; Sangowicz, Jadwiga, and Trottier, Michel (1960) "The Latecomer to Crime". Published in this issue, *Canadian Journal of Corrections*.
- <sup>2</sup> Kennedy, Miriam (1959) "Dynamics Involved in Family Offences Appearing before the Court". *Canadian Journal of Corrections*, 1, no. 4, 50-55.
- <sup>3</sup> ———, (1960) "A Clinical Study of a Group of Incest Offenders". Unpublished paper given at the Second Annual Research Conference on Criminology and Delinquency, Montreal.
- <sup>4</sup> Cormier, Bruno M. (1960) "Pathological Mourning as a Component of Murder". Unpublished paper given at the Canadian Psychoanalytic Society, Montreal.

*L'équipe de recherches du département de psychiatrie de l'université McGill a étudié un groupe de 176 délinquants sur la tard: c'est-à-dire, délinquants dont la criminalité commença durant l'âge adulte. L'étude ici présentée est restreinte à un groupe particulier, soit 102 délinquants sur le tard qui ont commis leur première offense après mariage.*

*Ce groupe fut réparti en cinq catégories:*

- 1. ceux dont la délinquance ne se produisit qu'au sein de la famille;*
- 2. ceux dont les offenses furent commises à l'intérieur de la famille et dans la société;*
- 3. ceux dont la criminalité fut occasionnée ou précipitée par une crise familiale, mais le conflit fut déplacé et le passage à l'acte délinquant prit place dans la société;*
- 4. ceux qui présentaient avant le mariage de graves problèmes de personnalité, intensifiés par une relation conjugale névrotique résultant éventuellement dans un acte délinquant;*
- 5. et enfin un petit groupe où on ne put dépister aucun rapport important entre l'offense et le mariage. Dans plus de la moitié de ces cas, une relation con-*

*jugale conflictuelle et réciproquement punitive joua un rôle primordial dans le passage à l'acte délinquant.*

*Dans plusieurs autres cas, les actes criminels suivirent une séparation, permanente ou temporaire, des conjoints. Des états dépressifs réactionnels, des réactions de deuil pathologiques sont dans ces groupes des facteurs importants de l'étiologie criminelle.*

*L'incarcération est rarement utile dans ces cas et souvent elle fait subir à la famille en cause une épreuve additionnelle. A part le châtement, il est nécessaire de traiter et de rééduquer la famille toute entière, ou au moins l'un des conjoints.*

## Criminal Acting Out in Cases of Reactive Depression

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Among the mental states or illnesses that have forensic psychiatric implications, depressions are of primary importance. This was recognized very early in the history of psychiatry, particularly in cases of involuntal depression or melancholia. In the acute or dangerous symptomatology of melancholia, two definite forensic aspects are evident, suicide and homicide. We will confine our remarks to homicide<sup>1</sup>, though others are manifest.<sup>2</sup> For instance, a patient in a melancholic state may often take decisions, for which the court may decide the validity. Suicide in melancholia is only of relative practical importance in so far as in some codes it is considered a crime.

Homicide is by far the most important forensic psychiatric implication of melancholia. The occurrence of homicide in melancholia may be statistically negligible if we analyse its incidence in relation to the total number of melancholic illnesses that are diagnosed within a given time. Fortunately few melancholic illnesses result in homicide. However, homicide in a melancholic state can become an important phenomenon if we view it in another perspective, that is what proportion of homicides, including infanticides, are committed during a melancholic state.

The relationship of depression to crime, however, should be seen not only in terms of the melancholic type of depression, but in function of the depressive state in general. More and more cases are reported of offences occurring within depressive states of varying severity, whether endogenous or exogenous, but to our knowledge little systematic study has so far been carried out. Recent investigations point out increasingly the importance of depressive factors in the occurrence of delinquency.<sup>3 4 5 6</sup>

In this paper we will deal with only one type of depression, reactive depression. What is a reactive depression? In psychiatry we call a reactive depression a state of sadness or sorrow resulting from a precipitating factor like a personal failure, a loss or an illness. It is usually

a response to a recognized stress. The best example of a reactive depression is the sorrow following the death or loss of a love object. This is known as mourning.

We were impressed in our investigation by the numbers of offenders who committed a criminal act in the course of a reactive depression. Moreover, a reactive depression has sometimes initiated a whole criminal career. This paper, which deals with some aspects of reactive depression, is part of a larger study of depressive factors in criminality. Before illustrating by clinical example let us briefly outline the general symptomatology and psychopathology of reactive depressions.

### **Symptomatology of Reactive Depressions**

The first and most apparent symptom of depression is psychomotor retardation. This is characterized by a state of slowness in both motor and mental activity. The mood varies from mild sadness to melancholy, from withdrawal to deep apathy.

Another series of symptoms are related to mental content. Here we observe guilt, self depreciation, self reproach and obsessional ruminations. There is often great difficulty in reaching a decision and this affects both work and personal relations. Abnormal mental ideation can severely disturb the thinking process to the point of more or less severe delusions.

Instead of motor retardation there can also be an increase and exaggeration of motor activity, expressed in a state of restlessness, going as far as great agitation.

Another way in which a reactive depression may manifest itself, is in a whole host of somatic symptoms. Fatigue, headache, gastro-intestinal complaints are the most common and are often referred to as depressive equivalents. Sometimes these morbid pre-occupations with the body develop into a phobia, like a cancer phobia or an obsession with a disease, for example cardiac disease.

All these symptoms that we have described are not in themselves related to criminality. Where a link exists, however, is in the evident fact that a depressive state can manifest itself by behavioural changes which may be very far reaching in social consequences. It is well known that in the depression that follows a bereavement, an individual may turn, for example, to drink, or become hostile to the point where he is antisocial. These behavioural changes are described in psychiatry as acting out. Acting out behaviour is not necessarily criminal, but it remains that some people in a depressed state go as far as committing a criminal acting out.

### **Psychopathology of Reactive Depression**

Turning from a review of the symptoms of reactive depression, we would like to make some remarks on the psychopathology of this state. As we mentioned before, the classic example of reactive depression is what we call mourning reaction. Undoubtedly the greatest contributions to the psychopathology of mourning were made by the psychoanalytic school. Freud's definition of mourning is that it is a state of depression following a loss. To quote, "mourning is regularly the reaction to the loss of a loved person or to the loss of some abstraction which has taken the place of one, as fatherland, liberty, ideal and so on". This state of depression is now commonly referred to as mourning reaction and grief reaction. Freud described as "mourning work" all the psychopathological changes which take place from the moment of the loss of the object to the time where the individual has returned to a normal state of being. He stated that the mourning work is a very painful emotional state that one has to pass through when confronted with a loss, and he described the different mechanisms that take place during the mourning work. He also delineated the aim of the mourning work, which is to allow the mourner to decathect or detach all the emotional energy he invested in the loss, and ultimately to re-distribute this energy on other objects.<sup>7</sup>

We will now mention some of the complex mechanisms which are generally recognized as accompanying the mourning work. A most important one is the capability of the mourner to test reality. All the memories related to the lost object confront him with the realization that the object is there no more. He must accept this fact. This testing of reality helps the mourner to deal with the contrary mechanism, a denial that the loss has taken place. In denying the loss the mourner says in effect, "no, this did not happen". Very seldom is this denial a complete one, as the testing of reality already mentioned cannot very long permit a person to deny a loss. Only in the mourning that is of psychotic intensity do we find a complete delusional denial.

Another important mechanism involved is introjection. One of the functions of the introjection is to create the feeling that the object is not completely lost, if it is still inside, within the memory of the mourner.

Still another mechanism is the identification with a loss. A manifestation of this phenomenon is commonly seen in nearly every form of mourning reaction. The most well known is when a mourner transfers to himself some of the symptoms of the lost person, such as the patient who develops a cardiac pain after having sustained the loss of one who suffered and succumbed to a cardiac illness.



There are many other important phenomena accompanying the mourning work, among them guilt, aggression and lowered self-esteem. Guilt is most commonly found in the form of blaming oneself as responsible for the loss. This is the mechanism behind the self-accusation commonly found in one form or another in mourning. As to aggression, a form in which it is frequently seen is where the mourner blames the person for having deserted, when the mourner was in so much need. Guilt and aggression are sometimes displaced and projected outside, and the mourner blames others for the death of the lost object. The decrease of self-esteem is often related to a pathological over-estimation of the loss, resulting in a pathological feeling of helplessness and worthlessness. These mechanisms and others must be seen as co-existing and interrelating in the complicated process known as mourning reaction.<sup>8 9</sup>

#### **Normal Mourning, Pathological Mourning and Criminality**

Normal mourning with its accompanying depressive states, difficult though it is, leads to restoration of the personality and renewed well-being. However, some people are unable to undergo a normal mourning, and when this happens it is referred to as pathological mourning. Among the manifestations of pathological mourning are an undue prolongation of the state of sadness, or on the contrary a delayed or an unnatural absence of sadness. The pathological mourning that interests us most here is the state of reactive depression that manifests itself by abnormal behaviour, like delinquent acting out.

We would like to present three clinical examples, where as the result of a loss, a severe state of reactive depression led a mourner to commit a crime.

#### **Case I**

D., aged 39, is the oldest of three boys. He remembers his childhood as an unhappy one. The main area of conflict was the relationship with his father. D. describes him as a bad character, a hypocrite, a man who always tried to avoid responsibility and who made his mother cry. On the other hand his mother was idealized and regarded as a saint. His awareness of his father's extramarital affairs had a particularly upsetting effect on him and aroused his hostility and anger. There was a feeling of sadness and unhappiness about his father which he fought by strengthening his relationship with his mother. However, when he started to work he gradually became detached from the home. Away from the shelter of the mother his behaviour deteriorated especially as far as work was concerned. Also at the age of 19 he began to drink. Nevertheless he kept within normal limits, met a girl, fell in love and became engaged.

When he was 25 his mother became chronically ill, and he reacted by increased drinking. He felt that alcohol made him cheerful and he could not bear feeling sad. To add to his troubles his fiancée broke their engagement, due to his irregular life, and this upset him as he was very attached. On one occasion when he was deeply intoxicated, he was charged with theft. He claims that he was spending money collected for another purpose, and that he was unaware of what he was doing in his alcoholic state. For this offence he received a suspended sentence.

From then on, his life routine remained disturbed. He was able to continue work, but he spent more and more of his time in taverns and nightclubs. When he was 29 his mother died and this was a real blow to him. D. says that he has felt really unhappy twice in his life, when his fiancée definitely broke off their engagement, and when his mother died. After his mother's death he continued to work, changing jobs frequently, but earning enough for his needs. There was also a certain amount of marginal and delinquent acting out for which he was not caught.

At age 37 he met a separated woman and they started a common law relationship. He felt very gay and satisfied with his life during the few months he was with her, but the husband turned up and demanded that she return to him and her children. She consequently left D. He felt very unhappy at her loss, because he had considered this a permanent relationship. Shortly after, while drinking with a group of friends, they decided on the spur of the moment to make a trip to the mountains, but D. was unable to join them because he had no money. After the others had left, he decided he must get the money somehow to join his friends. In a state of intoxication, he went into a store and ordered the cashier to give him money. He obtained a small sum and walked out. On thinking it over he became very guilty and decided to return the money, but was arrested on his way back.

In this case three episodes of delinquent behaviour occur in the context of a state of reactive depression.

First, when he was 25, D.'s mother to whom he was deeply attached fell ill; as a result he became depressed and drank heavily. Along with this was another stress, the fiancée's rejection. His first delinquent episode, misappropriation of money, took place after the mother's illness, and the termination of the engagement. The second, when he was sporadically involved in marginal activity that could have resulted in legal charges against him took place when his mother died. He was again unable to work through his depressive feelings, drank and became over active. He was on this occasion more aware of a feeling of depression than during the first episode, but his main way of dealing with it was

to drink, and involve himself in over-activity, some of which was delinquent. The third loss, was when his mistress left him. To this stress his immediate reaction was greatly increased drinking, followed a month later by a compulsive criminal act.

Although we are aware that alcohol produces disinhibition which facilitates the bypassing of superego defences, what is more important in this case is that it was above all a way of escaping depression. When intoxicated he could forget the loss which he had previously been unable to accept. Criminality was thus one means of avoiding rather than working through a depression.

## Case II

L., a young offender of 28 who had no previous history of delinquency, was born on a farm in eastern Canada. He is the third child in a family of six. His mother died when he was 7 years old, but the father did not remarry and the family life remained very close, with the oldest sister acting as the mother figure. His childhood was not unhappy, though there were financial problems and he was forced to leave school at the age of 13, although he enjoyed school and was a good student. His whole early life was characterized by a great dependency on the family and especially on the older sister.

On leaving the farm he came to Montreal, lived first with a sister and then with a family who considered him one of their own, and he ended by marrying one of the daughters. He established a home, had two children, and he considered his marriage and his life a success. There was a feeling of security and satisfaction in his marriage.

At age 27 he became unemployed and soon had to face real financial difficulties. This time he had to solve his problem alone as head of the family. He was forced to give up his house, to store his furniture, and to move into a room with his family. Losing the home he had established was a real blow to him. This difficult situation continued over several months and he became increasingly depressed. The depressive state eventually manifested itself in a compulsive idea of committing a bank robbery. One morning he went out with an unloaded gun and no particular plan in mind, except that he needed money. He went into a bank, held up the cashier and took some money. Once having committed the act, he felt confused and undecided. He did not know what to do with himself, walked about aimlessly, and when arrested gave himself up quite willingly.

The precipitating factor of the depressive state is the insecurity created by the loss of his job, and the fact that for the first time in his life he had to face major problems without the support of his family, or

family equivalent. The loss of which he was conscious, job and home, embodied his relationship to the world; he felt deserted and abandoned. The robbery did not so much represent taking something that did not belong to him as a means to enable him to resume the role of the responsible husband and father. After the offence there was a state of dissociation. He did not feel that he had actually committed the robbery. He was seen shortly after his arrival in prison and he was manifestly depressed, weeping frequently. His depression cleared up gradually after our investigation started. This procedure represented some kind of support. Another factor which increased his feeling of security and helped him come out of his depression was the assistance of the social agency which took over, when he was in prison, and helped support his family.

### Case III

M., a man now in his late 30's committed a series of hold-ups in the course of a few days, for which he received an exemplary sentence though it was his first offence. He was at the time suffering from a reactive depression following the loss of his wife and the break up of his home, and was in a state of apathy and indifference. He did not even try to look for help or defend himself, and he recovered his awareness of his situation only after sentence.

M.'s childhood was outstandingly difficult and unhappy. He was the middle child of a large family in poor circumstances. The father was an ineffectual man, a poor provider and a cipher in the home. The mother was a dominating temperamental woman who often had to support the family. She favoured her daughters at the expense of her sons and she singled out M. as the child she disliked the most. He was an intractable, overactive child and as a result the mother had him placed away from home from his earliest years. He was brought up in boarding schools and institutions, and was thought to be a mental defective, though he is of high average intelligence. In spite of his poor background, he managed to avoid real delinquency in childhood and adolescence. He joined the Army at 18, did very well in the armed services and for the first time found friends. He also made a very good marriage. His wife was a warm loving woman and for eight years things went very well for him.

The first great blow was the loss of his wife in childbirth with her third child. M. says that at the time he did not even feel grief; he was unable to cry and he thinks he was numb with the shock. His great pre-occupation was the necessity to maintain a home for his young children. He could not tolerate the idea of their being brought up by strangers as he had been. He worked early and late, hired inefficient housekeepers as he had neither the money nor the

judgment to plan well. He tried for over a year to keep his family together, but in the end he had to give up and see his children placed. His mother's refusal to help him was an added bitterness.

It was at this point that he quite impulsively committed the offences for which he received so severe a punishment. Only after he was in prison following sentence, and was visited by a favourite sister did he face for the first time the full realization of the loss he had previously repressed, and also how his inability to avail himself of any help might have contributed to his excessive sentence.

The relationship between the depression and the criminal acting out here is very clear. There was a suppression of normal mourning over the loss of his wife. He was too involved with the welfare of his children to allow himself to feel grief keenly. When he had to place his children the loss was total, and he went into a deep depression. One of the components of this depression was a revolt against the world that had treated him so harshly and now treated his children equally badly. The extent and importance of the depression in this case became evident during our investigation when he sustained a similar loss in the death of a sister, also in childbirth. His reaction was one of revolt, deep depression and some withdrawal. This time, however, help was available and he came out of his depressive state without acting out, delinquent or otherwise.

#### **Antisocial Acts in Reactive Depression**

We would like to stress that the capacity to sustain a loss and recover is a part of normal experience and adjustment. Loss and frustration occur in life and the normal person is equipped to handle them. Death of close relatives, loss of money, or other misfortunes are the lot of humanity. But there are some people who are ill-equipped to deal with these hard realities, and they break down, one way or another.

Most of our examples deal with the reactive depression following personal or material loss. Reactive depression can follow any loss, such as ideal, country, or any depriving situation very meaningful to the mourner. Whatever the loss, the psychopathology is essentially the same.

A pertinent question is why some individuals in reactive depression act out delinquently rather than using other solutions. In the psychodynamic literature two general modes are described as a means of reacting to internal or external stress. One of these two modes is called an autoplasic solution, that is, the individual changes himself to cope with a situation or stress. For instance, he feels depressed or develops somatic symptoms like headache or pain. On the contrary, if the person tries to deal with stress by changing the environment, this is called an alloplastic solution; acting out is the example par excellence.

Literature on the subject, at least in the area of delinquency, creates the impression that these two types of solution are mutually exclusive. Clinically speaking it may be true that at certain moments in a certain state a given person may use predominantly autoplasic or conversely alloplastic solutions. Nevertheless, it would be incorrect to imply that these two types of solutions are mutually exclusive. In the brief case histories we have submitted of our own research subjects we have put the emphasis on the alloplastic solution as this was the topic with which we were mainly concerned. We wish to emphasize that in the subjects studied alloplastic and autoplasic symptoms were both present. For example, in the course of a reactive depression a man committing a delinquent act like a robbery may also feel depressed and anxious and have various physical symptoms. These symptoms are often inter-related and complementary. Moreover, they sometimes reinforce one another; for example, an offender feels depressed, which is an autoplasic formation. The more depressed he feels the more anxious he is to emerge from this painful feeling. To achieve this he resorts to acting out, for instance a feeling of anger directed against others, accompanied to a greater or lesser degree with violence — quarreling, fighting, causing damage to the environment, which are alloplastic solutions. This further depresses him and he continues in a circular process.

Offenders show more clearly than any other psychiatric patients that alloplastic and autoplasic modes are not mutually exclusive, but sometimes are complementary and self-perpetuating. The problem of evaluating which formations are most important or significant is a clinical one. There are some people who in a reactive depression act out in a non-delinquent way, for example by temporary excessive drinking with no anti-social behaviour, while others go so far as to commit a criminal offence. Let us repeat that the term acting out is too often used as if it were synonymous with delinquency. Actually delinquency is only one form of acting out.

We would like to discuss briefly why most people who suffer from reactive depression act out to a certain extent, but abstain from delinquent acts, and why a few others break down in delinquent acting out. This is an exceedingly difficult problem and in the whole field of psychiatry no satisfactory answer has been found as yet why some people in a reactive depression do not act out, why some act out, but are not delinquent, and why some act out delinquently.

In our offenders we have isolated four factors that seem to predispose some patients in a reactive depression to act out in a delinquent way. These are: (1) guilt, (2) lowering of self-esteem, (3) anger, (4) inability to establish mature object relationships.



### **Guilt, Lowered Self-esteem, Anger and Inability to Establish Relationships**

As to the guilt, there is no doubt that it is a very important factor. One way in which guilt influences criminal behaviour has been pointed out by Freud very early in the psychoanalytic literature. For some neurotic patients criminality can be explained by an excessive amount of guilt. He described this type of criminality as "the criminal out of guilt".<sup>10</sup> We agree that criminal acts may be committed through an extreme sense of guilt, that is, an individual may feel so intolerably guilty that he will commit an act, for which he will be punished and thus indirectly relieve guilt through the punishment. If it is true that some people become delinquent out of excessive guilt, it remains that the capacity to feel guilt is also a regulating mechanism for social behaviour. There are certain individuals who can feel guilt and govern their behaviour according to this normal sense of guilt only when they have a love object. Some of our offenders temporarily lose this capacity to experience guilt, when confronted with a severe loss, and will resort to delinquent acting out till they find a new object.

This is particularly well illustrated in clinical example III, where a man after the loss of his wife, abandoned his principles for a time. In such men to love and be loved is a necessary condition to experience guilt.

Loss of self-esteem is in our view one of the most important factors leading to delinquent acting out. We find that where self-esteem has been badly damaged during a reactive depressive state, the subjects are unable to live with an impaired image of themselves. They have a compulsive need to re-establish a previous feeling of self-worth. The threat in their minds is that this loss of self-esteem is not temporary, but will last for ever, and this creates a sense of emergency, and a need to restore a feeling of worth. One way of accomplishing this is to do something that in their minds will lead to a restitution of the state of affairs as it was before. This is illustrated in Case II where the loss of the job and home represented abandonment by the family. Another example is that of a man who felt worthless when he lost his job. The loss was material, but it embodied the loss of his self image. The only way he could tolerate this temporary lowering of self-esteem was to commit a hold-up. Here the lack of money was not realistically the most important factor, as the man received unemployment insurance and had, besides, savings to tide him over; but the loss of his wages symbolized that he was no longer a whole man.

As to anger, there are two major ways of dealing with aggression; to turn it against oneself or against the external world. There are some people who have a very low tolerance for self criticism and blame, and

an inability to sustain the resulting pain. Therefore, one of the mechanisms most frequently used is to be angry at others rather than at oneself. The anger here is generally expressed in retaliation against others. The cause of anger and depression is mainly felt as coming from outside, therefore retaliation is an obvious solution.

We have noticed also that people who act out delinquently often have great difficulty in establishing a secure object relationship. They are therefore prone to be disappointed in their individual and social contacts, and this lays them open to reactive depression. In this state they may become retaliatory, blaming others for the failure of the relationship rather than seeing their own inability. Also, as they have such difficulty in personal contacts, they feel very threatened once they have established a relationship in which they obtain a certain amount of satisfaction. They remain insecure, fearing to lose it and they may not be able to find another object following the loss.

In summary we can say that for people who commit an offence in the course of a reactive depression, delinquency is a manifestation of pathological mourning. This must be seen as a process involving a multitude of interrelated, often contradictory, constantly changing mechanisms and feelings of which we have described only a few. This paper is a preliminary study on the complex subject of pathological mourning and delinquency.

#### **Implications and Conclusion**

This study describes the role of delinquency as a symptom of a reactive depression. Acting out in a reactive depression is a well-known phenomenon, but there is almost no reference in the literature on the role of a reactive depression in delinquent acting out.

We have attempted in this paper to give some idea of the importance and extent of reactive depression in the etiology of crime. This is especially important in the case of the latecomer to crime, an individual who commits a first offence after reaching maturity.

As our focus is mainly research we have not in this communication stressed the therapeutic problem of reactive depression which is accompanied by delinquency. However, it is in the field of treatment that our research has its most important implications. At this stage of our research we are tempted to say that the treatment in these cases is not in itself different from the management of other reactive depressions. These depressions present, apart from the delinquent acting out, the same symptomatology, and the prognosis is generally good.

The difficulties in treatment arise from the complex situation created by the arrest, pre-trial period, trial, sentence and punishment. Many of the treatment difficulties could be alleviated if from the moment of arrest the reactive depressions were recognized, evaluated and treated. If this were possible a large proportion could be treated without recourse to excessive and unnecessary punishment, and in many cases prison sentences could be avoided.

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- <sup>9</sup> Klein, M. (1950) "Mourning and its Relations to Manic-Depressive States". *Contributions to Psychoanalysis (1921-1945)*. London: Hogarth Press.
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*Depuis longtemps les psychiatres ont reconnu que les maladies dépressives présentent des implications médico-légales. Dans la mélancolie, le suicide et l'homicide sont deux dangers extrêmes. Entre ces deux pôles opposés, les études cliniques révèlent qu'une maladie dépressive peut être accompagnée de comportements antisociaux, tels que vol, assauts . . .*

*Les comportements délinquants ne se rencontrent pas seulement dans les dépressions généralement appelées psychotiques. Cette étude présente une série de cas où, à l'occasion d'une dépression réactionnelle, des individus ont commis des actes délinquants. Ces dépressions réactionnelles peuvent être précipitées par la*

perte d'un être aimé, un désappointement, une situation matérielle difficile, ou toute autre situation qui peut rendre une personne momentanément triste et déprimée. Il est normal d'être déprimé quand il y a une cause intérieure ou extérieure qui justifie un état dépressif. Ces états dépressifs normaux sont généralement de courte durée. Cependant, certaines personnes sont incapables de tolérer un sentiment de dépression même s'il est momentané. Pour échapper à un pénible sentiment de tristesse, certains individus cherchent à s'enfuir de ce sentiment: un des moyens d'échapper à un sentiment dépressif pénible est souvent de s'engager dans des activités motrices appelés passage à l'acte. Des actes délinquants peuvent être commis dans certains cas de dépression réactionnelle, quand un individu, pour échapper à un sentiment pénible de dépression, voit le monde autour de lui hostile.

Le sentiment de culpabilité, le sentiment d'agression, l'amour-propre blessé, la peur d'être impuissant à rempalcer l'objet perdu, sont quelques-unes des symptômes qui accompagnent les dépressions réactionnelles. Les actes délinquants commis dans un état dépressif réactionnel sont partiellement le résultat d'une très grande difficulté à trouver une solution normale à ces symptômes dépressifs.

# The Problem of Recidivism and Treatment of the Latecomer to Crime

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The aspect of recidivism that we will discuss in this paper is the problem as it relates to the latecomer to crime. This term has already been defined, but to recall it to your attention, the latecomer to crime is an offender who is in serious trouble with the law only after reaching maturity. We have put the age at 20 for statistical purposes, but the group can also include someone who committed his first offence around the age of 19.

In our clinical study of latecomers to crime we differentiate two distinct groups whom we refer to as Late Delinquents and Late Offenders. The Late Delinquent is one who becomes habitually involved in criminal offences after reaching maturity. He presents many points of similarity to the habitual offender who starts his career earlier in childhood or adolescence. The Late Offender as distinct from the Late Delinquent is a man who may commit only one offence after reaching maturity, or may repeat, but what characterizes him is the fact that each offence is separated by a period of law-abiding adjustment and that offences generally occur at peaks of emotional crisis.<sup>1</sup>

The phenomenon of recidivism in the latecomer to crime is important to understand and analyse. People who commit a first offence in their adult life are often described in the literature as "normal" or "incidental" offenders, capable of reforming themselves, with little tendency to repeat. This is certainly a fallacy. Although we are fully aware that the problem of recidivism in the latecomer to crime differs from that of the type of offender referred to as the incorrigible, it is nonetheless an important and crucial one. This is demonstrated in our study of 176 latecomers to crime.

Age at Start of Delinquency	First Offenders Non-Recidivists	Recidivists	Percentage of Recidivism
20 - 29	35	44	55.7
30 - 39	28	21	42.9
40 - 50 plus	42	6	12.5
<b>TOTAL</b>	<b>105</b>	<b>71</b>	<b>40.4</b>

All subjects studied were sentenced to the penitentiary. Of those who began their criminal activity in their 20's as many as 55.7 per cent had already recidivated. This figure is large, but as we must anticipate that a certain number of those seen in their early 20's for the first time will recidivate, the rate will probably go as high as 65 per cent to 75 per cent. This is the figure usually given for recidivism in habituals, and it is evident that recidivism in those whose offences began in their 20's is high.

The next group, that is those who started in their 30's, shows a recidivism rate of 42.9 per cent. Here also the rate will rise, though understandably not as high as those in the 20's. We do not expect the figure to rise much, possibly up to 50 per cent.

In the last group, where criminality begins from age 40 on, the rate of recidivism is 12.5 per cent. This figure seems quite accurate, and the probability is that it will not go beyond 15 per cent at most. Our average figure for recidivism in the latecomer is 40.4 per cent though it seems that a more accurate expectation would be in the neighbourhood of about 45 per cent to 50 per cent. These statistics appear to validate the principles stated in the paper on the Abatement of Criminality<sup>2</sup>, that is, that recidivism tends to decrease considerably in inverse ratio with the age of starting delinquency. The older the man at the time of his first offence, the less likely he is to repeat offences. The younger he is at the time of his first involvement, the greater the chances of recidivism. We must add, however, that all the subjects studied were penitentiary inmates, that is, individuals committing offences severe enough to justify penitentiary sentences. There are, however, many latecomers to crime whose offences are minor and who never serve a penitentiary sentence. We do not know whether the rate of recidivism in these cases is the same as for penitentiary inmates.

Society as a whole is very concerned with the problem of juvenile delinquency which develops into a pattern of adult habitual criminality, and this phenomenon has been closely studied and analysed, especially in relation to recidivism. Little literature is so far available on the subject of the late offender in general and his recidivism in particular.

Though few will question the value of studying the problem of recidivism in the latecomer, we would like to point out here a special reason why it is of particular importance. Granted that we are still far from successful in our efforts to rehabilitate the so-called incorrigible, the situation with regard to the latecomer is far more promising, and we feel that in this area much can be done. The latecomer is less deeply involved in criminality and, if he is given a chance, he is more likely to co-operate with those concerned with his welfare and rehabilitation.



Latecomers are on the whole people whose criminal acting out is accompanied with remorse and anxiety, and they are generally well motivated, or if not, motivation for treatment can be more easily mobilized than for those who start criminality very early in life.

#### **The Problem of Recidivism in the Latecomer**

One way of attacking this problem of recidivism would be to study a group of offenders who committed their first indictable offence, were tried and sentenced, and who never recidivated. If we had such a group we could see what were the factors that brought them to commit their offence, how they reacted to trial and punishment and how they learned from the offence, the trial and the sentence. Fortunately for them these offenders do not return to the penitentiary and therefore cannot be easily studied. However, we do have in our group of latecomers some offenders who can give us clues as to what happens to a first offender, who we are almost certain will not recidivate. For example, it is generally agreed that in the type of murder often referred to as a crime of passion there is almost no recidivism. In studying a group of husbands who in moments of acute crisis killed their wives, we discovered that this very serious offence was invariably followed by great guilt, anxiety and remorse. It was usually accompanied with a very severe mourning reaction. Paradoxically, after years of remorse and mourning these men are generally much better equipped to face life. They have discovered what their motivations were, and by the time they are liberated they have attained considerable insight and can avoid establishing a relationship that would lead to the same kind of conflict.<sup>3</sup> In these cases the offence is followed by a learning process. It is very likely that a similar process takes place in an offender who commits, for instance, a single robbery, and thereafter becomes law-abiding for the rest of his life. The offence is apparently accompanied with sufficient guilt and remorse to protect him thereafter.

We propose to analyse the problem of recidivism in the latecomer to crime under two headings: Recidivism in the Late Delinquent and Recidivism in the Late Offender.

#### **(a) *Recidivism in the Late Delinquent***

The Late Delinquent is a man who develops a habitual pattern of delinquency after reaching maturity. Though it is theoretically possible for a man to become a habitual delinquent in his 30's and 40's, very few offenders start an actual pattern of habitual crime in these age groups. (We are aware, however, that some embezzlers and offenders of this type may begin in the 30's and 40's and continue for many years.) What we notice in our group of Late Delinquents as a whole, is that while

they were not involved in real delinquency till after the age of 20, they nevertheless presented many psychopathological traits in their childhood and adolescence. We have histories of unhappy individuals ill-equipped from the start to face stress, feeling inferior, unable to compete, dissatisfied with themselves, inclined to think that they did not have an equal chance in life. Under stress they sometimes resort to compulsive acting out whether drinking or temper outbursts. Above all they seem to have great difficulty in establishing satisfactory social and personal relationships. Nevertheless during their formative years these difficulties were all handled by non-delinquent means, and it is only after they have reached maturity that new added stresses were too great to be controlled by the defences they had used successfully before.

The picture that we have drawn of the Late Delinquent presents many similarities to the habitual "incorrigible" offender. There is one important difference, and that is varying degrees of awareness on the part of Late Delinquents that their criminality is the result of personal inadequacy rather than only a retaliatory feeling against a society which forces them into crime. We do not mean to say that these individuals do not possess antisocial traits; many of them do. But they are less deeply rooted than in the habitual offender, and if at first our Late Delinquent blames society for all his troubles including criminality, after some interviews with the professional worker he is quick to grasp how much of his antisocial actions relate to his personal problem. For clarity in our analysis we have isolated three groups of Late Delinquents that seem to us to present differences both in the personality formation and in the problem of rehabilitation.

The *first group* consists of delinquents in whom criminality can be understood as a function of a defective character formation, not unlike the habitual criminal. To repeat, however, what differentiates them from the habituals who generally start much earlier in life is the fact that prior to maturity they resorted largely to neurotic, non-delinquent mechanisms in an attempt to deal with their difficulties. This group is undoubtedly the most serious problem of recidivism in the Late Delinquent.

An example is the case of a young man, P.C., first involved in serious criminality at the age of 21. Prior to this he was quite a model boy, and his parents — especially his father — found him a most rewarding child, in contrast to his other son who was already a delinquent. He did well at school, finishing Grade X at the age of 16, and he was considered a better-than-average student. He established himself as a very good worker; at the early age of 20 he had a business of his own and had saved \$2000. In spite of these assets, we can see in retrospect how neurotic his pattern was. He

had many compulsions, including dangerous driving and a constant need to test his achievements. For instance, he stopped smoking only to prove that he could do it successfully. Along with his compulsions he had many fears, in particular a fear of death. He also demanded a great deal from himself, so that no matter what he achieved he was not satisfied.

The subject was very much attached to a brother who was two years his senior. This brother was a serious delinquent who could be classed as a habitual offender. When his brother made a successful prison break, P. was greatly concerned and abandoned everything to help him. In the course of evading capture, the brother killed a police officer. P. felt excessive guilt for being indirectly responsible for the murder committed by his brother, as he had helped his brother evade the police after his escape. Following these events he himself became a criminal and has served many prison and penitentiary sentences in the past fifteen years. It is interesting to note that he presents the same restlessness in his present serious delinquent acting out as he did when he was a compulsive and restless worker.

This is a good example of late delinquents who in their youth show no delinquency. Their neurotic traits may have hindered them, or as in the example given, even proved of a certain use. Nevertheless after reaching maturity, neurotic defences prove insufficient to establish and maintain a law-abiding pattern, and they resort to delinquent solutions, in replacement of or in addition to their neurotic pattern.

A *second group* of Late Delinquents important to isolate are those whose delinquency is part of a recognized, identifiable psychiatric state or illness. Examples are a history of severe alcoholism, a compulsive neurosis leading to such acts as compulsive stealing, the presence of a diagnosed sexual perversion, etc. Many offenders chronically alcoholic enter into this group.

Chronic alcoholism is seldom seen in the teenager though there may be quite heavy drinking. What we are here concerned with, however, is not so much whether alcoholism starts before the age of 20, but rather with the fact that it did not create delinquency before that age. The same distinction may be made about certain kinds of compulsive stealing. Generally when we take the case history of a compulsive offender, we find that some non-delinquent compulsion existed in childhood and adolescence. We have studied cases of sexual perversion where sexual conflict could be recognized as existing long before maturity, but the actual sexual delinquent acting out did not begin until the men were well past adolescence. While there was a clear-cut identifiable neurotic personality in early life, symptoms of delinquency were absent.

As an example, we have the case of a man who started his criminal career some time in his 20's. From this time on this man, now in his 40's, has committed a series of offences with the same pattern. He is a hard, even a compulsive worker, well trained and skilled, but unable to use his skill to maintain a good job. As soon as he finds work, he becomes restless and agitated, and this state is always accompanied by excessive drinking. The serious problem of alcohol has been present since the age of 20. This alcoholism is severe enough to have resulted in liver damage. It seems that this man when he has a job though he works hard, is unable to withstand frustration, especially in relation to his co-workers and to his employers. He ends by turning to drink. When this happens he abruptly leaves his job, drinks until he has no money left, and then resorts to false pretences, writing false cheques or obtaining money by other deviant ways. This has resulted so far in eight prison sentences, including four to the penitentiary.

It is obvious that in this case alcoholism is a most important factor, though it is not the only direct causation of crime. It remains that unless the problems of his delinquency and of his alcoholism are seen as inter-related, the prognosis is obviously a poor one.

A *third group* of recidivists in the late delinquents are individuals who can be described as ill-equipped to deal with the normal demands of life. We see among them, for example, people who, while they are not defective, have a rather low intelligence. They are easily influenced by others, quickly led into any kind of activity. They are almost always members of a criminal association, but they play the passive and obedient role. Their history usually reveals a poor familial and social background so that they are exposed to damaging rather than favourable influences. When they become acquainted with a group of antisocial or asocial individuals who seem to care for them, they become chronically their victims. Being members of an antisocial group often gives them a sense of belonging that they do not have in ordinary society. In this group we find individuals who up to adolescence and early adulthood were sufficiently protected by their families so that during this period they accepted non-delinquent standards and regulations. Their difficulty arises when in the course of growing up, they leave the family and become the victims of outside antisocial influences.

Another type of ill-equipped individuals in this third group are of average or higher intelligence. They are, however, chronically insecure, and under stress they are unable to find a solution for themselves. Despite their intelligence they never manage to learn a trade or become skilled. When taking their case history, we find that this inability to fit into normal occupation is only a part of their general difficulty in coping with life and their inability to compete in a normal situation. These have

in common with the other two groups mentioned, the fact that in childhood they were able to conform to the norms of family life though they were more or less inadequate. Nevertheless, as long as they remained within the family circle they were relatively safe. Faced with the stresses of maturity where they could no longer rely on the family for help, and unable to compete occupationally due to their inadequacy they resort to delinquency when in need. Their difficulty being chronic they develop a chronic pattern of delinquency.

A man now in his 40's, first got into trouble in his early 20's. He did well, as long as he had a good work situation, especially when he was well appreciated as he required encouragement and a feeling of belonging. Granted that, he could operate without great difficulty. He could not go so far as to establish a genuinely good personal relationship, but he could work and earn his living. In his early 20's his mother died and he therefore lost the protection of the family. His criminality always follows the same pattern. If there is a crisis at work, a stress beyond his capacity, or a feeling of being rejected he leaves his employment. His feeling is the same if he loses his job because of a work recession or lay-off. This situation leaves him more or less stranded, not knowing what to do, in a kind of panic, unable to look for normal solutions. He then regresses to a very primitive solution, for what he considers in his panic to be his immediate needs. He feels that he must eat to survive, and he feels that he must steal to eat.

This man after two or three penitentiary sentences finds himself in exactly the same situation that he was in twenty years ago at the beginning of his trouble. After each sentence he was non-criminal as long as he had a sense of security, provided by his work. As soon as this was disturbed he immediately returned to criminality. He can be called a habitual prisoner rather than a habitual offender.

Another example, rather similar, is that of the man who remained out of trouble till his marriage in his middle 20's. He is a product of a separated home, and he was brought up in orphanages and institutions. However, he did fairly well on reaching maturity leading a rather primitive, but satisfying life as a hunter and trapper. Although he lived in a setting where there was a good deal of drinking and where delinquency was common, he abstained from both and lived honestly. After his marriage to a girl who was herself a serious social problem, he was chronically in trouble. He took over the problem not only of his wife, but of her family who were alcoholic and disorganized. As long as he himself could work and bring in money he avoided delinquency, but when he was out of work and faced with real need he turned to stealing. His trapping and hunting were not sufficient to meet his increased

needs and he had no training that fitted him for industrial work. He would try very hard to find work, but when he reached a point where he felt that his family was in want, he became criminal. As he is ill-equipped for urban, industrial society he constantly faces this problem.

What can we say about these people who are chronically in trouble with the law after reaching maturity? One thing is striking. We have seen many of them five, ten, twenty years after their first offence. The evaluation we made when we saw them then could have been made many years earlier, in most cases at the time of their first offence. This is abundantly clear in the example of the man who became delinquent only after his brother was hanged. At this time, understandably, he identified with his brother. He incorporated his dead brother, and for him becoming a delinquent was a way of keeping his brother alive. This happened when he was 20 years old. When we first saw him at 35, the problem remained as sharp and vivid to him as it was fifteen years earlier. If this man is to be treated, we must provide for him what he should have had at the beginning of his trouble. We may ask, naturally, whether he could have been successfully treated fifteen years ago. Judging from his present state, we can only say that with a systematic program of psychiatric rehabilitation the prognosis is now fair, but treatment is now far more complicated than it would have been at the beginning. He has spent most of his adult life in prison, and he is habituated to a life of crime. Put in his own terms "as I am now sure that I cannot be an honest man, I will at least try to be a successful criminal".

The treatment of these three types we have mentioned, though all chronically delinquent, must be approached in different ways. For those who showed marked neurotic traits in childhood, or identifiable psychiatric states in early maturity, there is no doubt that psychiatric treatment is a major requirement. For those who are basically inadequate and unable to face normal stresses, the requirement is not only individual treatment, but an active social program of rehabilitation including material help, job training and counselling. As a whole most of our Late Delinquents are likely to need both kinds of help, because those who may be personally well-equipped require considerable assistance to adapt to normal society after spending so many years in prison. We would like to point out again the fact that in so many instances we feel that rehabilitation could have been done more successfully much earlier. Some inmates even go so far as to ask us why we bother about them now, and not at the beginning when they could have been helped.



*(b) Recidivism in the Late Offender*

We shall now turn to the problem of recidivism in the late offender. Our first important fact is that though he may commit more than one offence, there is a period between offences during which he lives in a law-abiding way. We do not know all the deep-seated psychological factors that determine the length of the gap of law-abiding behaviour between criminal episodes. The period is sometimes five years, ten years, and occasionally as long as twenty years, but whether the gap is long or short, the fact remains that outside the two, three or more episodes his life is regulated by normal social values. In analysing this kind of recidivism, we came to call it Episodic Recidivism. After studying carefully the history of each offence in episodic recidivism one is struck by the fact that though the offences may vary or be more or less severe and the life situation different, nevertheless the emotional state remains the same. This may be a depressive state, a manic-depressive episode or the recurrence of a neurotic conflict. In looking at this group of episodic recidivists we asked ourselves three questions: (1) Did they tend to commit the same type of offence? (2) Was there a progression in the severity of the offence? and (3) Was the psychological precipitating factor for each offence the same?

With regard to the first question, we find that there is a group who tend to repeat the same offence, as an example, break and entry, but in another group the type of offence differs. The first offence may be theft and the second a sexual offence. We call this change in the type of offence a mutation. This aspect of mutation is now under investigation.

As to our second question, whether there is a progression in the severity of offences or a lessening, we have found that in the majority the following offences tend to be more severe, that is a break and entry and theft may be followed by armed robbery, or other serious type of crime.

For the third question, as to whether the psychological precipitating circumstances remain generally the same for all offences, one is inclined to say at first sight that they do not. Sometimes, for instance, a first offence is committed previous to marriage, and a second takes place following some heavy responsibility within the marriage. These would seem to point to differing factors. However, seen in depth, it often becomes abundantly evident that though the external circumstances seem different, the psychological problem is unchanged. The internal determinants are the same. For example, the young lad overpowered by the responsibility of earning a living on his own, and breaking down in

delinquency, may find later that the problems of marriage are also too much for him. In both cases basic insecurity and inadequacy are the common denominators.

In our subjects who present a pattern of episodic recidivism we have isolated four groups.

The *first group* consists of neurotically conflicted individuals, manifesting obvious symptoms, such as fears, obsessions, deep-seated inferiority feelings, depressive features, etc. Above all, they display highly neurotic conflicts in human relationships. These problems bring them from time to time into situations of crisis where they find themselves unable to find solutions and they periodically fall into what is commonly referred to as neurotic decompensation. In this state they sometimes try to solve their problems by antisocial acting out. They do not differ from neurotic individuals seen in the psychiatric clinic who come periodically for help, and who receive treatment that permits them to overcome the crisis, and carry them to the next crisis where they will again need to be treated. The complication in our offenders is that while they are in this state of neurotic decompensation they act out in an antisocial way; they break a law, and this usually places them beyond help in the community, as they are condemned to prison or penitentiary.

An example is the case of a man now aged 44 who was from childhood an extremely neurotic personality, and was treated for marked hypochondriac traits in the army following an illness. Nevertheless, though neurotic, his occupational and social adjustment was within normal limits till age 35 when he compulsively stole from an employer and was committed to prison for eight days. One of his main problems was that he had a rather frigid wife and experienced little gratification. During the war he had some extra-marital affairs. He was later involved in another affair which created extreme guilt. He gave up the relationship, returned to his family, and though dissatisfied, there was no overt problem until his daughter reached puberty. At this time there was a return of his problem, but instead of extramarital relationship the daughter became his object, resulting in incest. This offence took place seven years after the first one.

We have here a picture of a highly neurotic man who resorted first to hypochondria, second to theft and third to incest. When we see the man in depth, it is evident that at all times he had a sexual problem which should have been recognized as such, including the stealing from his employer which represented a displacement. This is also a clear example of what we mean by mutation of an offence, that is, the offences may be markedly different, but the basic problem remains the same.

Another example of recidivism in severely neurotic individuals involves the kind of man who responds to difficult situations by excessive fears and obsessions. In this state of acute stress he will sometimes commit a number of delinquent acts, all within a very short period. There may be as many as five or six charges within a few days, weeks or months. These are almost invariably repetitive; that is, there will be a series of very similar offences such as break, entry and theft, or armed robberies. We call this an acute outburst of delinquency in a non-criminal individual, a "neurotic spree", to use a slang expression.

An example is a man in his 20's, married, with not too satisfactory a marital adjustment, partially impotent, with great fears that his wife will abandon him. Occasionally this man leaves home, going away himself instead of risking the rejection he fears from his wife. As a consequence he has been frequently unemployed. On one occasion of stress and due to his particular problem of being unable to assess his situation realistically and look for help, he found himself in a kind of panic doing everything wrong. He committed a small offence, was put on probation, became even more anxious, went for treatment, but could not tolerate it, again broke down into criminality. Within eight months there were five charges against him.

The problem that led him to commit each of these five offences was invariably the same. What was not recognized was that his neurotic state was so acute that what he required was hospitalization. In this case the five charges are the manifestations of the same panic.

The *second group* of episodic recidivists consists of offenders who are prone to recurrent reactive depressions.<sup>4</sup> When a patient is in difficulty with the law and in a state of reactive depression, it is of the utmost importance to study the stresses that precipitated this reactive depression accompanied by delinquency. In doing this we may well prevent a similar episode later on. Though we are unable to claim that every individual who commits an offence when in a state of reactive depression will necessarily recidivate, we can certainly say that the number who will is large enough to warrant preventive work at the first instance. Treated at the occasion of his first offence, the chances are quite good, and the man is not as prone to recidivate. Not to treat is asking for trouble — it is harder to avoid the establishment of a pattern where, under the same pressure, the delinquent responses will follow.

A *third important group* among episodic late offenders can be described as manic depressive personalities. In our psychiatric clinic we are well acquainted with patients who periodically break down in either a frank manic or depressive episode. These patients are usually quite

easily diagnosed and can consequently be treated. But there are some manic depressives who do not actually break down in a clear cut manic or depressive psychosis, but function in a middle state in which they are sometimes slightly euphoric and at other times inclined to be depressed. Some individuals in these light states have a tendency to act out; this acting out is occasionally antisocial and involves them in criminal behaviour. When we examine closely every episode and offence, we recognize that in all cases they were committed during a state of mind that can be described as manic or depressive. They usually begin by being euphoric, over enthusiastic and over confident. They then become rather agitated and restless, sometimes frankly depressed. When taking the history from a wife or a family member close to the offender, we find that prior to the offence these manic depressive moods were prevalent. If this disorder could have been recognized before the acting out and treated at that time, criminality could quite often have been avoided.

An example is the case of a young man of somewhat less than average intelligence, suggestible, with a certain amount of mood variability who nevertheless managed to make a non-criminal adjustment until his early 20's. Though he shifted in his employment, he worked well and was quite proud of his ability. In his first offence, his participation was restricted to remaining in a car while others committed a theft. He claims he was innocent, but the probability is that he was aware there was something wrong. For this offence he received a short sentence of a few months. After this he remained out of trouble for over five years. He married, had children, and on the whole supported his family adequately. He was moody and restless, alternating between overconfidence, when he attempted to run a business for which he had neither the capital nor the ability, and feelings of depression and irritability when he would drink a little too much. During a period of depression and restlessness he was tempted to pass counterfeit money and handle stolen goods by someone who seemed to him both very wealthy and in every way superior. He was eventually caught and sentenced.

From his own account and his wife's (she is an excellent informant) he showed during the pre-criminal period symptoms of a manic depressive attack. Clinical observation in the prison confirmed that we were dealing with a cyclical personality subject to fairly severe episodes, especially under stress. This case also illustrates that while the first offence was not serious, the second was considerably more severe.

A *fourth group* not infrequently encountered in the penitentiary is of offenders who commit crimes in the course of a psychosis or as part of recurrent schizophrenic states. It is well known that prior to a

frank schizophrenic episode there is sometimes tension, agitation and great anxiety. Offences may occur within the pre-schizophrenic state. As an example we have in mind two patients who, following their offence, arrest and conviction, were hospitalized on arrival at the penitentiary, with the diagnosis of recurring schizophrenic state. It became obvious that their offences were part of a prodromic sign of their illness. In two other cases the offenders were known chronic schizophrenics, who had been hospitalized for this condition and released as their behaviour improved, though they remained deluded. They were, however, capable of living within society. After a period exceeding five years their symptomatology took a new direction, and they committed anti-social acts. One committed sexual offences in obedience to a voice commanding him to behave in this way, and the other committed thefts in a similar state of delusion. These two patients were chronically psychotic. When the psychosis was exacerbated delinquency occurred.

In our observations on recidivism in the Late Offender, we would like to stress that while the first offence is usually minor, the second tends to be more severe, and if there should be a third episode it is likely to be of an even graver character. This certainly points out how important it is to recognize early, if possible on the occasion of the first offence, the personality structure and the conflicts that precipitate criminality. Unrecognized, the offences are likely to be repeated in another context where the conflict may recur in a more acute form, and lead to more serious consequences.

### Conclusion

Our conclusions with regard to recidivism both in the Late Offender and in the Late Delinquent are that much trouble could be avoided if a diagnosis, personality evaluation, and a knowledge of precipitating factors, external and internal, were available from the start. Our problem is not so much that we do not understand the offender or have no means of treating him, but that society is still unwilling to see the guilty man as needing treatment apart from punishment. Punishment alone is no solution either for the guilty man or for society which must accept him in its midst again after punishment. The responsibility therefore continues to rest with society for the failure to rehabilitate.

<sup>1</sup> Cormier, Bruno M., Kennedy, Miriam, Sangowicz, Jadwiga, and Trotter, Michel (1960) "The Latecomer to Crime". Published in this issue, *Can. J. Corrections*.

<sup>2</sup> \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ (1959) "The Natural History of Criminality and some Tentative Hypotheses on Its Abatement". *Can. J. Corrections*, 1, no. 4, 35-49.

- <sup>3</sup> Cormier, Bruno M. (1960) "Pathological Mourning as a Component of Murder". Unpublished paper given at the Canadian Psychoanalytic Society, Montreal.
- <sup>4</sup> Cormier, Bruno M.; Kennedy, Miriam; Sangowicz, Jadwiga, and Trotter, Michel (1960) "Criminal Acting Out in Cases of Reactive Depression". Published in this issue, *Can. J. Corrections*.

*La récidive des délinquants sur le tard (Latecomers to crime) a été peu étudiée jusqu'à présent.*

*Il est généralement admis que les délinquants sur le tard (un homme qui commet un premier délit, ou des délits, après avoir atteint la maturité) est un homme capable de se réformer sans traitement. On croit faussement que le délinquant sur le tard ou ne récidive pas ou récidive très peu. Les délinquants sur le tard sont souvent appelés des délinquant "normaux" ou "accidentels". Il est vrai que plusieurs délinquants sur le tard ne récidivent pas. Cependant si on étudie un grand nombre de délinquants sur le tard, la récidive apparaît comme un fait important. Le tableau suivant illustre l'ampleur de la récidive chez les délinquants sur le tard:*

Âge au premier délit	Non-récidivistes	Récidivistes	Pourcentage de récidive
20 - 29	35	44	55.7
30 - 39	28	21	42.9
40 - 50 et plus	42	6	12.5
<b>TOTAL</b>	<b>105</b>	<b>71</b>	<b>40.4</b>

*Dans cette étude nous avons séparé les délinquants sur le tard en deux groupes génériques: 1° les délinquants sur le tard habituels (late delinquants), i.e. un délinquant qui s'engage dans un patron de criminalité habituelle après avoir atteint la maturité; 2° les délinquants sur le tard occasionnels ou épisodiques (late offenders), i.e. délinquants qui commettent un délit ou des délits répétés mais séparés par des périodes d'ajustement social.*



*La récidive du délinquant sur le tard habituel présente beaucoup de similarités avec le criminel communément appelé criminel d'habitude. Toutefois, les délinquants sur le tard habituels répondent mieux aux traitements psychologiques. Ils prennent conscience de leurs problèmes plus rapidement que ne le font les soi-disant incorrigibles.*

*Les délinquants sur le tard occasionnels ou épisodiques présentent des problèmes psychologiques beaucoup moins diffus et moins profonds que les délinquants sur le tard habituels. Les causes psychologiques et les stress émotionnels qui précipitent les délits sont facilement identifiables. Plusieurs de ces délinquants commettent des actes antisociaux dans les moments dépressifs. Parmi ces délinquants sur le tard épisodiques, il n'est pas rare de trouver des personnalités maniaco-dépressives.*

**CONCLUSION:** *La récidive des délinquants sur le tard pourrait être réduite sensiblement si une évaluation et un traitement psychologique étaient entrepris dès le premier délit. Cette étude révèle que les évaluations psychologiques faites après 2, 3, 4, . . . délits auraient pu être facilement faites au premier délit. Faire une évaluation psychologique et entreprendre un traitement dès le premier délit est d'autant plus important que généralement les délits qui suivent sont souvent plus sévères que le premier délit.*

## Some Psychological Aspects of Sentencing\*

As clinicians and research workers in forensic psychiatry we are naturally much interested in the problem of sentencing. Sentencing is a judicial function; our particular contribution is therefore in the field of the study of crime and punishment in relation to the offender, and we shall leave to the legal profession the task of integrating psychological and judicial aspects.

Before discussing the problem of sentencing itself, let us make clear what is involved. It is generally believed that an offender will learn through punishment. This is far from always true. Sentencing an adult bears little psychological similarity to the punishment occasionally given children in the course of training and education. For a normal mature man punishment and reward are provided largely from within himself, that is, a rewarding feeling arises from the fact that he has accomplished what he feels his duty, or a feeling of remorse, guilt and anxiety if he has transgressed certain rules. These inner feelings of reward and satisfaction and also of self punishment, act as a guide which helps him conform to social rules. Contrary to the child, most mature people do not normally depend on an external system of reward and punishment, though by this we do not mean that the knowledge of reward and punishment from outside sources does not move them to avoid forbidden acts or strive for rewarding accomplishments.

We will describe very briefly how this change comes about. Reward and punishment are the normal, time honored, and accepted methods of training the young. This method, which begins in the family, is carried on at school and is extended into society. It serves to implant avoidance if not dislike of forbidden acts, and to encourage and to reward desired behaviour.

\* This paper was part of a symposium on sentencing which took place at the Second Annual Research Conference on Criminology and Delinquency. The legal aspects were presented by Professor R. I. Cheffins, Assistant Professor, and Joseph Cohen, Q.C., Lecturer in Criminal Law, of the Faculty of Law, McGill University. Their papers are not included in the present report, and will be published separately. The psychological aspects of sentencing were presented by the McGill Research Team. The McGill Team and the Treatment Team of St. Vincent de Paul Penitentiary met together to formulate their views on sentencing based on research and clinical observations. The group included: Bruno M. Cormier, M.D., Assistant Professor; Miriam Kennedy, Soc. Wkr.; Jadwiga Sangowicz, M.D. and Michel Trotter, L.Ps., of the Department of Psychiatry, McGill University; and Justin Ciale, M.A., Marcel Fréchette, L.Ps., J. L. Lapointe, M.D., and André L. Thiffault, L.Ps., of the St. Vincent de Paul Treatment Team, St. Vincent de Paul Penitentiary.

Regardless of differences of theory about the development of personality, it is generally accepted that a child is born asocial and that the most important and basic socialization takes place very early, from birth to the age of five or six. By then most children are sufficiently socialized so that they can be expected to govern their behaviour to a certain degree. Though this process is far from complete, by age six a child who is well trained has acquired sufficiently good social values to permit him to complete his socialization in school, work, marriage, etc. Some children appear incapable of absorbing and accepting this social code from their earliest years. Analysis of these children reveals an inability to develop an internal system of morality that helps them obey the one imposed by society; this may be called a conscience, a sense of right and wrong. There are children who appear to lack this capacity altogether; and there are others who have it, but are unable to use it consistently. A continuum of deviant behaviour would move from those children who do not have a good system of control from the very beginning, to those who fail only under certain stresses. In adulthood this corresponds to the habitual offender as against the incidental.

If an aim of sentencing is to rehabilitate, we must above all sentence a man, not an offence. There are many types of offenders and we would like to describe the three main groups as they concern sentencing.

First is the so-called incorrigible, habitual, adult offender who represents the most serious problem in criminology. Numerically, however, this habitual, according to Professor Baan of Utrecht, Holland, well known criminologist and psychiatrist, actually represents only about one per cent of the total criminal population. It must not be forgotten that this one per cent while small, includes those who appear recurrently in our courts, often for very serious offences, so that aside from the damage they inflict, much attention is drawn to them by the press and other avenues of communication.

The second group is composed of offenders chronically in trouble with the law, habituals, frequent recidivists, but not incorrigible. They are a serious problem to society and to themselves. They require intensive treatment, which in our prison system they do not get. It would be wrong, however, to class them as incorrigible.

The third group is composed of offenders who occasionally or periodically trespass against the law, but have basically normal social values, and a wish to conform to them. These are often inadequate personalities who find themselves unable to solve their problems when they are in personal and emotional difficulties, and they turn to primitive delinquent mechanisms. They are the great majority of our offenders.

What principles should then govern the sentencing of the incorrigible, the recidivist, and the occasional offender? Sentencing alone, that is punishment alone, for the incorrigible and the habitual is useless, and the usual resort of deprivation of liberty unaccompanied by a total program of re-education does little to help. These are the ones who have shown over and over again that they have been unable to learn either from punishment or reward. For the episodic recidivist or incidental offender we feel that each offender should have a complete evaluation before sentencing, that punishment should be minimum and geared mainly for rehabilitation and given in the same spirit that guides our juvenile courts.

#### **Punishment as a Deterrent**

The more we look at the concept of punishment as a deterrent the more doubtful does it appear. The idea is ill defined, and seems to mean different things to different people. Some feel that only the severest of punishments will prevent crime, and others apparently assume that the alternative to exemplary punishment means letting an offender go free, in which case naturally severe punishment, including capital punishment, seems to them the only practical deterrent. Others question the validity of the whole concept of deterrence.

We will deal with the concept of punishment as a deterrent under three headings, the first being punishment as an individual deterrent, both to restrain the individual and to protect society; the second being punishment as a deterrent in crime waves, the aim being to discourage a local outbreak of criminality; and the third being the use of punishment as a social deterrent.

#### *Individual Deterrence*

Individual deterrence is at first sight an appealing idea. We punish a man who has committed an offence in the hope that by this means he will learn to avoid crime in future, much as we punish a child by way of teaching him to obey our social code.

Seen in this perspective, if punishment is without rancour or malice and is really designed to rehabilitate the offender, we have little quarrel with the concept. In our sense a just and deterrent punishment would be the minimal punishment that protects society, favours the rehabilitation and reform of the offender, and causes no unnecessary harm. Above all a just punishment does not render impossible the process of rehabilitation. These principles should guide a judge in punishing an offender whether juvenile or adult. In our view any punishment that departs from

these principles not only harms the offender, but eventually society. This will be dealt with more fully when the problem of the exemplary sentence is discussed.

However, though just punishment, as defined, has real validity in the case of most offenders, the problem becomes far more complex when sentencing the so-called incorrigible habitual. Contrary to the occasional offender, or the episodic recidivist who developed in his childhood the capacity to learn from the experience of reward and punishment, the habitual offender is very deficient in this most important faculty. He has never learned to guide his conduct by our accepted social values. Basically we are facing an individual who has not succeeded in learning as a child, as an adolescent and as an adult, either from the experience of being punished for a misdeed, or the pleasure of a reward for doing well. As a result any punishment aiming at deterrence from his habitual antisocial action, is doomed to failure from the start. We are even more certain to fail if our major pre-occupation is to punish without at the same time attempting to correct this basic character defect and to re-educate. Without this, punishment, no matter how severe, does not deter the incorrigible. Only with the passing of time and after incalculable harm to himself as well as to society is there abatement. The abatement is not related to the severity of the punishment, but to a slow process of learning, often despite punishment.

This question of corrective treatment that must go with punishment is not solely the responsibility of the judge, but also of the government. It is the duty of the state to provide institutions that will not only punish, but treat and eventually restore a man to society as a law-abiding citizen. Without such institutions the prisoner, the judge and society move in a vicious and ever widening circle of crime and punishment followed by more crime and more severe punishment. This in fact is what is happening to our habitual offenders despite our more liberal administration of prisons and the fact that we no longer hang for stealing a sheep.

For the incidental offender as well as the episodic recidivist, the judge has the delicate and complicated responsibility of assessing the minimal punishment that will protect society and favour his rehabilitation. As clinicians our responsibility is to provide for the judge at his request all necessary social, medical and psychiatric data that will help him arrive at a just sentence.

#### *Punishment as a Deterrent in Crime Waves*

Our second point deals with punishment as a deterrent in specific circumstances. We are referring here to the use of punishment as a means to deter in the case of an outbreak, for example, of bank robberies,

sex offences and other major crimes. Offenders may be severely punished in the hope that this will deter others from committing similar offences.

From time to time we are faced with crime waves that constitute a severe problem and the pressure to do something immediate becomes very strong. At such times a demand is often raised for severe punishment, and exemplary sentences. We must ask if it is ethically as well as psychologically sound in our contemporary democratic society to punish an offence rather than an offender. Is a man more guilty if he commits his offence at a time when others, quite unrelated, happen to be committing the same offence?

A justification often given is that the public demands severe punishment. We are aware of the force of this social pressure on the judge, but is it not his function to judge impartially and objectively, even to realize that public opinion, though important, is not necessarily objective or sound? It is, in fact, his duty to protect the public itself against an over-subjective, over-emotional view of which it may in a short time be ashamed. When the public takes on the function of judge it sometimes also takes on the function of executioner, as in cases of lynching. The judge must not be influenced by social pressure or any other pressure that may blind his judgment. We realize that social pressure though intangible and hard to assess, is at the same time very compelling. It is also highly uncertain, very fluctuating and contradictory. The same public which in a temporary over-emotional state demands harsh punishment may very shortly after protest against an over-long sentence. By this we do not mean to deny the just pressure of an aroused public opinion that often creates progressive changes, but the very subjective, immediate response to a temporary stress like a local crime wave, where they may not be competent to judge. The judge here has the role similar to a statesman who sometimes must, in the interest of his country, resist an outbreak of uninformed opinion. An example of this is the present civil rights legislation in the United States which is now being implemented though there is a section of public opinion which is very much against it.

#### *Punishment as a Social Deterrent*

We will consider, next, punishment as a social deterrent. In defining this concept we would like to quote Professor Caleb Foote in a United Nations' Seminar on the Protection of Human Rights in Criminal Law and Procedure: "If a person has engaged in behaviour of a sort which is undesirable and can be deterred, and if he is subjected to treatment which is generally regarded as unpleasant, other persons may be deterred from engaging in similar conduct by the fear that if they do so they will be similarly treated".



This is a belief which has been widely accepted, most particularly by the legal profession, and it must certainly guide many judges when we examine the frequency of the exemplary sentence. It is not, however, by any means a universal practice as some judges abstain from its use. The value of the exemplary sentence being therefore in some doubt in the legal profession itself, we need not hesitate to express our own beliefs.

The use of exemplary sentences raises a problem in social ethics. This has been well defined in a point raised by Professor Foote, "one may question the validity of the idea of deterrence since this philosophy deliberately utilizes the offender as if he were a thing to be used as an example for the theoretical benefit of society". Even if we could prove beyond doubt, which we cannot, that exemplary sentences serve as a social deterrent, our own view is that we have no right to use an individual as a means to achieve an end.

There are psychological reasons why this concept of punishment as a social deterrent appears to us not only doubtful, but in our personal view invalid. For the great majority of people, including many incidental offenders there is no doubt that the existence of law and the fact of punishment influences to a greater or lesser degree their conduct. The type of offence that is most susceptible to deterrence by punishment is one involving mainly minor infractions rather than true criminal offences. I refer here to infractions like illegal parking, breaking of city ordinances, etc., where the knowledge of the specific punishment, even if it is only a small fine, is a real deterrent. It should be said that not only the honest citizen observes ordinary by-laws, but even the habitual offender is usually as careful as his more law-abiding neighbours.

The problem is different when we face indictable offences that involve also moral and social values. Here, too, we must make a distinction between the man who breaks incidentally these social and legal defences, the breaking of which is called a crime and which he himself regards as such, and the man who habitually breaks the rules and is a habitual criminal. The occasional offender may not be very different from the reasonably honest citizen. When he commits a real offence he feels guilty and the judicial verdict confirms his feelings. In such cases an exemplary sentence is not only excessive and unnecessary, but in the long run may even produce deep harm to him and also in a sense to society towards which he may now with some justification feel revengeful. For the habitual, a man incapable of learning from reward and punishment, a long sentence will not affect his criminal activity, but serves only to put him out of the way. In these cases treatment must accompany the sentence.

We have spoken of social deterrence in the case of casual and habitual offenders. We turn now to an examination of the value of the exemplary sentence as a deterrent for potential criminals. The onus of proof is on those who believe in the validity of this concept. We should nevertheless point out that most people are not deterred from crime by what goes on in court, but by their own awareness of law, which involves also punishment. Furthermore, for most people this knowledge of the law is not the only or even the primary motivation for being law-abiding. They have a whole battery of defences to protect them, guilt, remorse, unwillingness to inflict pain and harm on others. There are also motives of self-interest interwoven with ethical considerations, for example, that it is safer and more comfortable to live in a well conducted society where laws are observed.

Will exemplary punishment therefore deter the man who may occasionally break the law? From our clinical observation we are convinced that most law breakers of this kind are not antisocial, but that the offence is the result of an acute or an ongoing crisis in their lives, as in the cases of the family offender we have described, and others. Because these offences are the result of personal stress, involving personal rather than antisocial factors, we can hardly believe that the fear of exemplary sentence will act as a deterrent. The knowledge that others have been punished does not stop them, and we have great doubts that a severe sentence, even death, for a husband who may kill his wife today will prevent someone from committing the same act five months or five years from now.

A small fraction of potential criminals within society may be kept within the law by threat of punishment, but we have no scientifically validated way of proving or assessing this statement, and it is dangerous to base our penal philosophy on such a doubtful assumption.

As for the incorrigible offenders, we know that the expectation of punishment piled on punishment has not affected their behaviour in the past nor is the threat of renewed punishment likely to amend their ways in the future. The value of an exemplary sentence, therefore, is a purely temporary one of putting them out of sight and out of mind in prison. When they come out they return to a criminal life, unless some other measures which may be fully and permanently deterring have been added to the necessary one of incarceration. This is the problem of treatment.

#### *Conclusion on Punishment as a Deterrent*

We have attempted to examine the various components of this complex concept of punishment as a deterrent first from the view of the

detering effect on the individual offender, second as a deterrent in specific instances, and lastly as a means of deterring potential offenders. The exemplary sentence was taken as the classic example of the use of punishment as a means of social deterrence. Though, for the sake of clarification we dealt separately with these aspects, they cannot be seen in isolation as they are interlocking. In practice the offender, the offence and society are not separate and apart from one another.

We acknowledge that for many centuries punishment as a deterrent has been one of the mainstays of penology. Even if we assume that in its time it may have been a useful and acceptable practice, does it still hold good in our contemporary society?

In the light of recent social studies and from our own knowledge its usefulness for the habitual criminal must be seriously questioned. Our experience with habitual offenders needs hardly to be stressed, because our findings follow statistics already available on recidivism. These statistics prove beyond doubt that punishment used only as a deterrent does not deter. With regard to the rehabilitation of the casual or episodic offender, we believe that the use of probation in conjunction with other forms of rehabilitation and treatment offers sufficient evidence that minimal rather than severe punishment is by far the better deterrent. Prison should be the last resort. Let us emphasize the need for rehabilitation, as without such a program a large number of basically non-criminal individuals will recidivate.

In our minds penology must have as its basis the protection of society and society's responsibility to correct and rehabilitate its deviant citizens. The value of punishment as a deterrent seen from this perspective is a very doubtful one.

#### **The Offender in Front of the Judge**

Before embarking upon the problem of the offender found guilty in front of his judge, we would like to make some initial remarks. First let us make clear that we do not at any time refer to any individual judge, neither do we propose to argue the various penal philosophies that may guide different judges in their judgment, nor question their adherence to one philosophy or another. We must leave to the legal profession the important task of making its own inventory of assets and deficits. For that matter, workers in the human sciences have a similar duty. We will limit ourselves to the role of the judge as a social figure. We will try to clarify the psychological and social meaning of the figure of the judge in our society, what he embodies and represents and symbolizes. In doing so we hope to avoid any utopian views and will attempt

a very realistic approach. We want to describe how the offender sees the judge, and also how the honest citizen sees him. We will necessarily deal briefly with the honest citizen and the judge, though it is indeed an important aspect of the problem.

Our remarks will apply to the judge sentencing adult offenders. The juvenile court judge, "le juge des enfants" as he is very appropriately called in France, has a quite different social and psychological function. The juvenile court judge is the only one in our legal system whose primary duty is not to sentence, but to carry out with the help of clinicians attached to his court a program of rehabilitation. Even where punishment is given, it is incidental. What is intended is rehabilitation, and if there is commitment to an institution the objective is not so much custody, though this may be necessary, as correction and treatment. We do not mean that the judges in our regular courts are not concerned with rehabilitation, as we are aware that they are often very conscious of this responsibility. Nevertheless their function is to sentence after guilt is proved, and their range is wide, from a fine, a suspended sentence with or without probation, to imprisonment, to a life sentence to the mandatory sentence of death.

Punishment through the process of sentencing is essentially a judicial function, but judges, in exercising this function, vary greatly according to their particular penal philosophy. Punishment may be held as essential to rehabilitation, or may be considered a necessary evil. Some judges believe that minimal punishment is the best approach, others on the contrary feel that maximum punishments are better social and individual deterrents. As clinicians we would like to repeat that a just punishment in our minds should have amongst other features the following: it should be the minimum punishment capable of protecting society, and of being useful to the offender. It should also cause no unnecessary harm to the offender.

However, regardless of what the approach to punishment may be of a particular judge, the adult offender facing that judge is very much aware that once found guilty, the judge has the right to punish. Inevitably this knowledge of the punishing function of the judge affects intensely both his feeling and his behaviour before that judge.

These distinctions having been made, how do both honest citizens and offenders see the judge? He is a somewhat ambiguous figure, being the protector of society on the one hand, and on the other having the power to sentence and to punish a law breaker. In his dual role of protector and punisher he has sometimes been compared to the father of a family. This comparison is dangerous. When one examines closely the functions of both, there are apparent differences.

The father has the right to judge and if necessary to punish his children, but he also has the corresponding duty of rewarding a child who does well. Rewarding is by no means a duty of the judge. He may show leniency and understanding for an offender who in his mind merits it, and this may be a desirable asset in sentencing. But though we believe that an understanding and kindly attitude, when justified, favours corrective treatment, it cannot be compared with the reward a child expects and receives from a good father. The kindness and understanding of a judge is not a reward in the true sense, but a means to foster rehabilitation, and by the same token to prevent recidivism.

The comparison between father and judge is untenable for other reasons. Once a child has been punished it is up to the father to re-establish a good personal relationship with his child. This good accord is disturbed when a child is punished, and the father must re-establish it and give the child the feeling of being loved in spite of punishment. Between the judge and the offender on the contrary, no personal relationship exists prior to the moment of the trial and the sentence. Furthermore it is not psychologically useful either for the judge or offender that a personal relationship like father-child be established. The judge represents society as embodied in law, and he therefore cannot be personal. This does not mean that he should not know a great deal about the offender and the whole correctional process. He must take this knowledge into account when sentencing, individualizing the sentence, and sentencing a human being and not only an offence; this is well within his province. But no matter how understanding, kind and lenient a judge may be it does not imply a personal paternal relationship. Should the judge take such a subjective attitude whether friendly or unfriendly, it could well be at the cost of his objective judgment.

The law-abiding citizen by no means sees the judge as a father figure, but perceives him as he truly is, a protector of society. Furthermore, he does not want to know him in his professional capacity, no matter how agreeable he may be in other respects. This role of protector is the dominant one in the mind of the average citizen and he does not see the judge as threatening or punishing; he has no need. But suppose our previously honest citizen commits an offence. The judge will for him immediately change from protector to a judge who may determine innocence or guilt and who thereafter sentences and may punish.

Putting ourselves in his place we can easily understand that this first offender before the judge is afraid. However, it would be wrong to believe that this fear exists only in the case of the first offender, and that the so-called hardened criminal has no fear when expecting sentence. Fear before sentence is a universal phenomenon. The fear may be differently motivated and differently expressed.

How is fear manifested by an offender at his first appearance before the judge, and by the recidivist? It may be displayed not only in a feeling of fear, but in actual physical symptoms like trembling, palpitations, sweating, a confusion of body image, etc. A first offender described that everything faded out of existence, except his awareness of his eyes looking into the eyes of the judge. Before sentence he was aware of the presence of his parents, but at the moment of sentence, the parents, the crowd, the courtroom itself, faded from his perception. He wanted to speak, but his throat felt paralysed.

A recidivist described his latest appearance (one of many) saying that every time it was the same. He felt currents of electricity going down his spine, profuse sweating and only one clear image in his mind, a bell that tolled one knell after the other. Each knell seemed like a year of sentence, and he did not know how long the ringing would go on.

A fear often common to both the first offender and the habitual is that the judge will think in terms of society exclusively, and that no extenuating circumstances will be considered. We were amazed to find this fear expressed over and over again whether at a first appearance or after many trials and sentences.

If we say that fear is universal, how do we reconcile this statement with newspaper descriptions of offenders who are indifferent, surly, cynical, insulting, threatening, or who conversely appear to accept and even be grateful for a sentence. Let us look behind these very diverse manifestations. We will first describe the man who is depressed in front of the judge; secondly the angry man before the judge; and thirdly the man who sees the judge unrealistically as an all merciful father.

### *The Depressed Man in Front of the Judge*

When we study our offenders, unfortunately too often after sentence, we find that behind what seemed to be apathy and indifference is often a depression that can be so deep that the man is incapable of mobilizing his resources. The depression may be the result of the guilt related to the offence, or it may be due to anticipated punishment, or to great anxiety about the fate of people who depend on him, or stem from many other sources. In some cases it is a true clinical state of depression that existed prior to the offence itself and may even have contributed to it. Regardless of the cause, the offender cannot respond normally, sometimes to the point that he may create an impression of extreme indifference. We have seen this apathy stemming from depression in both first offenders and habituals, but it may have particularly tragic consequences for a first offender who in this state of mind not only cannot protect himself, but endangers himself.



We know a late offender who committed a robbery with a toy pistol after being rejected by his girlfriend. Previous to the robbery he had made an unsuccessful suicide attempt. A well educated and fluent man, he was trancelike before the judge, unable to say a word in his own defense, and not caring whether or not others spoke for him. The result was an exemplary sentence. Offenders of this type often lack a sufficient sense of self-preservation to secure a lawyer, or even to accept help. It was only after three weeks in the penitentiary that the offender we described began to emerge from his depression and to realize that his mental state had been damaging for him and also to feel some resentment that no one had recognized his state of mind. It was not for him a question of denying guilt, but rather the feeling that people had taken his depression for indifference, and he felt that this had affected the sentence.

In our view a feeling of depression often puts an offender to a greater or lesser degree in a position where he cannot fully use his civil rights.

The expression of fear and depression may take many forms, some of them quite inappropriate. An offender who had appeared before a judge on two occasions said both times he had the same reaction to the experience. He is a man who smiles when he might actually feel like crying, even in situations of stress. For him it is a kind of automatic response. Before the judge, though very frightened, he felt an almost overpowering urge to smile and laugh. The second time he was so aware of this and how bad it would look that he bit his lips to bleeding.

#### *The Angry Man Before the Judge*

For non-medical people the expression of anger is usually interpreted as an aggression or an attack against someone. It may, however, represent exactly the opposite, an attack against oneself. Two extreme examples are suicide and homicide. Also, anger can be used to hide or to inhibit other feelings such as depression or intense fear. A man who is very afraid of the judge sometimes suppresses this feeling in himself and expresses what looks like the opposite. This mechanism is very easily recognized in juvenile offenders where a mask of defiance often hides a very evident fear, but this same response may sometimes occur in a badly frightened adult offender. It looks like an aggression against judge and society, and it is understandable that unless the judge knows something about the accused he will see it in this way.

As an example we have treated a man who at the time of sentence used particularly foul language to the judge. This language was used prior to his actually receiving the sentence when it would do him most

harm. We do not know to what extent the ten year sentence he received was related to the insulting language. However, once in the penitentiary he realized that his attack on the judge was actually a kind of irrational defensive measure. He felt somehow that he could render the judge powerless to punish him by frightening him. It took this man five years to send what was a genuine apology to the judge in question.

Similar mechanisms are often at play when the offender appears cynical and contemptuous. Considered realistically the offender, his guilt established, up for sentence has no interest in defying the judge. It is a clear-cut situation where he has everything to lose and nothing to gain by defiance. Therefore when this behaviour is present it almost invariably represents an attempt to deal with fear. This is so true that in our experience we find the boastful and contemptuous attitude more prevalent in the young offender in his 20's, who still feels that his delinquency is an expression of omnipotence. It is far rarer in those who after many appearances have learned through hard experience how damaging a defiant attitude before the court is for them.

#### *The Man Who Sees the Judge Unrealistically*

There is the type of man, usually the first offender, who goes almost blindly before the judge. Though fully aware of his guilt he feels that the judge will be truly a merciful and forgiving father. He has so much confidence in justice and in the judge, whom he respects almost like a god, that he expects to be completely understood, and accepted, and if punished, punished mercifully as a child is punished. This naive trust in an all understanding justice without any need on his part to defend himself can be as damaging as the indifference of depression and the inappropriate concealment of fear. As an example, a previously law-abiding, hard working father of six children, a man in his early 40's with a generally exemplary home life, had one minor weakness. He tended to be rather over-confident, even boastful, and though this over-confidence was an asset at work as it gave him advancement, it was a great disadvantage in other circumstances. Though by no means an alcoholic, this man would occasionally drink a few beers in a tavern on Friday night. Once, during an epidemic of armed robbery, he boasted to some of his drinking partners in a tavern that he would not be afraid to commit a robbery. His friends challenged this statement. As a result, after a few more beers, he left the group half drunk and held up a bank, pretending that he had a gun. Undeniably his judgment was much impaired. He was immediately arrested and was extremely penitent. At the trial he was quite certain that being an honest citizen and known as such, he would get at most a severe reproach or a very

short sentence. This he felt he deserved, and he was quite confident that the judge would see it his way. He received instead a very severe sentence.

#### *Conclusion on the Offender in Front of the Judge*

Though we speak of the feeling of the man appearing before the judge at sentence, the actual moment of sentence is in fact only the climax of the process that began with the offence, the arrest, the police questioning, the pre-trial imprisonment and the trial itself. During these stages an ever increasing accumulation of feelings has piled up in the man, which may include apprehension, fear, anger and depression. Though usually more acutely present for the first offender, they are not absent for any accused before the bar. These psychological states which reach a peak at sentence, should be further studied and understood by all concerned with the correctional process. Such knowledge of all factors is highly relevant for sentencing and for rehabilitation. In the juvenile court the judge is not left alone to decide the sources of the youngster's behaviour, and his background. He may and he usually does enlist the help of various clinicians, psychiatrists, psychologists, social workers, as consultants. We can only wish and hope that the day will soon come when all our courts will have a body of experts available to the judge to enable him to arrive at a decision based on knowledge not only of the criminal code, but of the circumstances and the personality of the accused.

#### **Treatment of the Punished Man**

The problems of treatment within the prison are manifestly different from those in any other setting in free society. A comparison is often made between prison and a mental hospital where a patient is committed sometimes against his will, for his own protection or to protect society. The need of protection is the only similarity that it is safe to make, however, between the prisoner and the mental patient. In the case of the patient who may require commitment the aim is to treat and to discharge as soon as he is able to live in the community. The patient himself soon acquires the assurance that when he is well he will be discharged.

The intention of society in sending a man to prison is basically different. He is imprisoned as a punishment and sometimes this punishment serves not so much his welfare, but the protection of society. Furthermore the fact that the prisoner may need treatment badly is in no way an assurance that he will receive it in prison. We may even safely go further and say that with the present overcrowding in our prisons and the great lack of treatment facilities and professional staff, the likelihood that a man who needs psychological treatment will receive it is rather small.

Above all, the greatest difference between the mental patient and the prisoner lies in the fact that successful treatment by no means guarantees release. A prisoner after having served part of his sentence may become very well intentioned, resolve never to repeat an offence and to take his place in society. At this point his punishment may be adequate, but unlike the mental patient it does not mean that he may be liberated. He must wait for the end of his sentence or the hope that the Parole Board will grant him parole. In a relatively short sentence of two years, the Parole Board can serve a very useful purpose in giving an early remission where indicated. The situation becomes much more complicated, however, when we are dealing with exemplary sentences of fifteen to twenty years and more, especially in the case of first offenders. In this situation the Parole Board is in a quite helpless position, as their function is not to revise sentences, but to give parole according to the policy that they have established. We are particularly interested in the problem of what happens to the punished man, especially a first offender, who has been given an exemplary sentence.

Perhaps a good place to begin with this problem of treating a man who is serving a very long sentence would be describe how prisoners themselves feel about their sentences. In observing a number of them over a period of years, and after taking their case histories, one is struck by the fact that their attitudes towards their sentence fluctuate from year to year, sometimes even from day to day. This fluctuation is especially conspicuous in the case of the man with a long sentence. He is confronted with the hard task of trying to accept his lot and live with this severe punishment. How does he do it? Sometimes he tries to tell himself that after all it is not too bad, the time will pass. This pretence is not easy to maintain for long. For instance, he will meet another prisoner who has much the same record as he has, who may even have committed a more severe offence and yet received a smaller sentence. Immediately the resentment and rage and bitterness which he has tried to suppress will return. The prisoner may try to establish personal contacts in prison with others who have long sentences in order not to feel his own punishment so much; but the grouping of people with a common plight may result in anger and depression. A prisoner with an over-long sentence may turn for consolation to inmates who have a shorter sentence. These will try to encourage him and perhaps assure him that the Parole Board will do something, that his case is hopeful. Many men with long sentences tell themselves that they will be liberated at the end of three or four years. However, as they see others with shorter sentences leaving prison, their hopelessness intensifies. All these feelings interchange and replace one another quite rapidly.

Another factor that influences a changing attitude towards punishment is that a man may see his offence differently as time goes on. As an example, we would like to mention a type of prisoner who, having received either a just or severe or even exemplary sentence, nevertheless felt at the time that he deserved it. He felt very guilty over his offence, remorseful and ready to accept even the hardest of sentences by way of atonement. After spending some time in prison he may begin to realize that though certainly guilty, he was not the only guilty one, and also that his victim contributed to some extent to the final violence. This is especially true in the case of homicide in a marital partner, where an interplay of personality may result in the murder of one partner. In these cases a man is often able after a certain period in prison to assess his responsibility and guilt, feel that he needed a just punishment, but having fulfilled this he feels he is ready to return to society. May we add that sometimes as clinicians we also feel that the man has been sufficiently punished. However, he still has five, ten or fifteen years to serve. From then on the punishment previously accepted as just can no longer be tolerated and slowly but surely the man develops a grudge. He becomes hopeless and resentful and above all he becomes chronically bitter and to some extent he deteriorates. He may resume life in free society after his sentence is over, but there will be permanent damage and bitterness, if not recidivism.

These conflicts become more evident when we attempt to treat an inmate serving an exemplary sentence. One aspect of a changing attitude towards punishment is sometimes directly related to the fact that with the psychiatrist and the psychologist he comes for the first time to study his problems. As a result he develops some insight and he also may discover that the punishment that he felt at the beginning was just, now appears to him to be severe. The prisoner often feels that while guilty, commitment to prison for a long sentence may not have been necessary at all in his case, but on the contrary the psychological treatment he is getting in prison could have been very well undertaken on the outside. He wonders why he could not have been given this opportunity, have avoided the hardships for himself and his family of a long prison sentence. He might have remained a responsible and productive member of society.

In summary, changes of attitude on the part of prisoners about their punishment are due partly to external factors like comparing their sentences with others, partly to their own changing mechanisms of defence under stress, partly to changes within themselves due to a better understanding of their own personality, and a more realistic appraisal of the sentence. In the case of exemplary sentences the bitterness that they were used as things, as scapegoats for the benefit of society is an ever present resentment.

One of the major differences between treating a prisoner, and treating patients within the psychiatric hospital in free society is that in a prison setting we too often have to face an unwilling patient. We should like to make very clear here from the outset that what we call the unwilling patient is not used in any derogatory sense. It covers a wide range of attitudes on the part of the prisoner who requires treatment and resists it. At one pole is the man who simply does not want to be treated. He may think that he does not need it, or that he can manage his problem by himself. He feels that society has put him in prison, that his punishment is to serve his sentence, and he wants to do his time without interference. On the other hand there is the patient who recognizes his need, and is almost willing, but is quite unable to resign himself to accept treatment within the prison; his resentment is too acute.

Another resistance to treatment is the distrust that many prisoners have towards clinicians in a prison setting. Frequently the first problem is to establish a relationship, to convince them that we are not part of a punishing set-up, but are there to serve them if and when they want to be treated. This suspicion is quite understandable, but while it exists it undoubtedly prevents rapport. There is a corresponding difficulty in the clinician himself who has problems to overcome in a prison setting. There is also the great problem of accepting work in a set-up where there is lack of staff and facilities; to be resigned to doing very little; and to realize that because of this lack, a prisoner who may be aware of needing a great deal more than can be given, ends by withdrawing. No matter, however, what the cause of resistance is, it is the problem of the clinicians to study why a prisoner is unwilling to receive necessary treatment, and where possible to attempt a solution within the framework of the prison. No one can deny the difficulty of treating, and attempting rehabilitation, in a set-up based on deprivation of liberty.

We have elected to limit ourselves to one particular type of the treatment problem, that is that of helping a man with an exemplary sentence. We would like to say that we are very distressed by the large number of exemplary sentences given to latecomers to crime and even to first offenders. We have already drawn attention to the many men admitted to the penitentiary within any given year who are first offenders, and who have never appeared at court before.

In the problems of treatment for those serving exemplary sentences, we will first raise certain aspects related to the treatment itself and secondly the question of what can be done in our view to correct over punishment. To deal with the patient himself, certainly a major problem



faced by the clinician is the blank wall of his sentence. A man is condemned for example to ten, twenty, thirty or more years for a first serious offence, who is in his early 20's. What is his future? There is the very difficult task of establishing a relationship between the therapist and the inmate which is supportive and realistic, but how to be supportive and accept the reality of over-punishment? It is very hard for an inmate to evade the implications of a twenty or thirty year sentence and equally difficult for a therapist not to acknowledge the facts. Even at the best, with the possibility that he will do only a third of his time, he will have to serve perhaps seven to ten years in some cases.

Let us consider a man condemned to a very long sentence who came for help, and gained greatly from treatment. How can we maintain this gain when we know that with the most generous of parole policies he has many years to wait? He is almost bound to deteriorate. A man often comes willingly to treatment with the hope of help and also that the sentence will be reduced because with help will come better understanding and a better adaptation to normal life. We can only say that in the case of an exemplary sentence we are operating at a very dangerous level all the time. Even if the man has great personal strength, he must from time to time, and to some extent, deceive himself that the sentence will pass quickly, that after all it is not so long. However, at one stage he will face an inevitable depression, and to some degree break down.

When we are facing a weak personality, we must anticipate really serious trouble at one time or another. We would like to mention two kinds of breakdowns that are typical of these long sentences. An example of the first is the case of a young man who received a very severe sentence for his first offence in his late 20's. This offence was precipitated by a great personal loss. He had a period of difficult adjustment in prison for the first few years, was frequently depressed, but when counselling became available he overcame his depression to a great extent. He showed considerable understanding of his problem, and also the factors that had brought him to prison. Previously unwilling even to think of his future and his children, he reached a point where he could see himself able to resume life in society and take responsibility for his family. Unfortunately, at the point when this insight in treatment was reached, he still had ten years of a sentence to serve; that is at the very moment when for the first time he had some hope in himself and faith in his ability and in society, he also realized how long it would be before he could fulfill his hopes. Not surprisingly, it engendered a new and quite deep depression. He was able to emerge from this, but the fact remains that he can hardly be expected not to suffer further periods of depression, especially if there is a crisis in the family and he

remains a helpless onlooker. His children are growing older and need him even more, and he is unable to be the father and the good citizen that he feels he is really now capable of being.

Another type of breakdown that occurs in these exemplary sentences is that of the man who on the surface manages to do his time quite comfortably, but at the expense of his own personality. The mechanism he uses to cushion himself is to deny or evade reality, to a greater or lesser degree. In some cases this removal consists simply in a desire to avoid any contact with outside society. He prefers not to think of the exterior world and of the people in it because it is too painful for him. He does not think of going outside the walls, he does not plan. This denial may reach a point where the only way he can live comfortably is within the cell itself, the end result being that for him existence is bounded by the walls of the prison, often by the walls of his cell. No one will claim that a long period of denying real life is conducive to a constructive plan of rehabilitation. Prisoners of this kind present a real problem. Furthermore, in some cases this detachment and withdrawal from reality becomes so marked that it produces a permanent illness.

These are only some of the highlights in the many, varied, and day by day problems of therapy with prisoners who have over-long sentences. We would like to conclude our remarks on the treatment of the prisoner with an exemplary sentence by affirming that in our experience we know of no offenders who are not harmed to some degree by over-harsh, over-long punishment. We feel that in making this affirmation we are giving you a conservative appraisal because our personal view is that no one subject to this kind of treatment emerges without great damage. They are badly wounded men. We are referring especially here to exemplary sentences given to first offenders, or to latecomers to crime. Most of the latter as we know are not incorrigible criminals.

Does society have a responsibility in these cases? The question has been raised whether it is ethical to over-punish one member of society, to serve as a warning and example to others. What we want to raise now is another question in ethics. Once it has been established that a man has really been over-punished, does not society have a responsibility to correct its mistake, as much as it has in the case of a man who was found innocent after sentence?

*Rendre sentence et donner une peine est essentiellement une fonction juridique. Les psychiatres, les psychologues et les travailleurs sociaux ont cependant un intérêt particulier en ce domaine. Ces cliniciens*

sont absolument dans leurs sphère d'activités quand ils étudient l'effet des châtements sur l'homme coupable. L'effet du châtement sur des êtres, criminels ou non, relève des sciences communément appelées sciences humaines.

La position du psychiatre, du psychologue et du travailleur social dans le processus de l'administration de la justice est la suivante: ces professionnels sont à la disposition du juge chaque fois qu'une connaissance plus profonde de la personnalité de l'homme est jugée nécessaire pour rendre une sentence juste tant pour l'homme coupable que pour la société.

Si, d'un côté, c'est la responsabilité des psychiatres, des psychologues et des travailleurs sociaux d'étudier la personnalité et les motivations de l'homme coupable et de faire en quelque sorte un diagnostic et un pronostic, de l'autre côté, c'est aussi la responsabilité des juges non seulement de connaître le code—cela va de soi—mais aussi de reconnaître les facteurs psychologiques et sociaux qui conduisent aux actes criminels et de consulter des cliniciens pour évaluer ces facteurs.

Les juges ont la très grande responsabilité d'intégrer le code et les données des sciences humaines quand ils rendent sentence.

Trois aspects psychologiques de la peine sont étudiés: 1, l'effet préventif de la peine; 2, les états émotionnels de l'homme devant son juge; 3, certaines difficultés rencontrées dans le traitement de l'homme puni.

1. L'effet préventif de la peine est une des bases de la pénologie depuis des siècles. L'effet préventif de la peine n'a jamais été prouvé scientifiquement et ne devrait pas servir comme une des bases de la pénologie moderne. Les peines exemplaires posent un problème moral: a-t-on le droit d'utiliser un individu comme "une chose pour le bien-être théorique de la société?"

2. La peur devant le juge est présente chez tous les accusés trouvés coupables. Etre amené devant le juge pour le prononcé d'une peine n'est pas une situation indifférente. La peur devant le juge peut se

manifestent différemment pour chaque individu, mais aucun homme coupable devant le juge est dans une situation émotionnelle neutre. L'homme déprimé, l'homme agressif et l'homme naïf devant le juge sont des états plus spécifiquement décrits.

3. Le problème de traiter l'homme coupable est surtout envisagé sous l'angle des criminels qui ont reçu des sentences exemplaires. Il est suggéré que l'homme coupable qui a reçu une sentence exemplaire, qu'il devienne un récidiviste ou non, garde en lui un sentiment de rancœur difficile à effacer.

Conclusion: il est suggéré que la pénologie contemporaine soit basée sur le juste châtiment qui, tout en protégeant la société, peut aider le criminel; et le devoir de la société de prendre des mesures actives pour réhabiliter l'homme criminel.

L'effet préventif de la peine est un concept non prouvé et par conséquent ne doit pas être à la base de notre pénologie.

## **Questionnaire on Current Research**

*The Editorial Committee of the Journal is pleased to reproduce the following questionnaire. Dr. Grygier will be sending the questionnaire direct to those who are known to be involved in correctional and criminological research. However, if you do not hear from Dr. Grygier, and are doing such research, please send the information to him on the basis of this request. The results of this survey will be published in the Journal.*

At a recent meeting of the Committee on Records, Statistics and Research of the Canadian Corrections Association it was decided to start a new Sub-committee on Research. Dr. T. Grygier of the School of Social Work and the Department of Psychology, University of Toronto, accepted the chairmanship; Dr. Bruno Cormier of the Department of Psychiatry, McGill University, will act as associate chairman.

The first action of the new Sub-committee is to be collection of information on correctional and criminological research in Canada. The term "research" denotes a systematic enquiry or investigation in pursuit of knowledge, supported by careful analysis of the data and, whenever appropriate, by experimentation and statistical evaluation. The term "correctional and criminological" research is to be interpreted fairly broadly and includes investigation into causes and treatment of crime and delinquency, and of anti-social behaviour associated with criminality, such as drug addiction and alcoholism, sexual aberrations, etc. The term would also cover activities which precede formal correctional treatment but have substantial bearing on prevention and treatment of crime. Thus *research* into police practice, police records, sentencing policy, etc. would fall into the broad definition accepted here.

On the other hand, *reports* of activities of any agencies or institutions, *statements* of policy or opinion, *collections* of data of local or temporary significance or without clearly defined scientific objectives, and *descriptions* of correctional services without analysis and evaluation, would not be classified as research.

All people and organizations carrying out or about to start research in the field of criminology and corrections are hereby asked to communicate with Dr. Grygier and to send him *in duplicate*:

(a) Any existing outline of the research in progress, and any additional information helpful in identifying the scope of the research and the techniques used.

(b) An especially prepared formal statement for publication in the *Canadian Journal of Corrections* under the following headings:

1. Title of the research project.
2. The name of the university, or government department, or private organization or person under whose auspices the research is carried out.
3. The name of the organization giving financial support. If no specific funds have been available, please say so.
4. Chairman of the Research Committee or other supervisory body.  
If none, say so.
5. Research workers.
6. Any reports or publications which have appeared or are envisaged (author, title, place of publication and publisher—or if an article, name and volume of journal—date, pages).
7. A short outline of the research, no more than approximately 150 words.
8. The name and title of the person supplying the information.

The *Canadian Journal of Corrections* is to continue the publication of notes on current research in this section. All information is to be addressed to Dr. Grygier, at the School of Social Work, University of Toronto.

The first projects reported below might serve as examples:

I

1. *Title.* SOCIAL DEFENCE AND CIVIL LIBERTIES: THE DETERMINATION OF DELINQUENCY BY THE JUVENILE COURT.
2. *Auspices.* Harvard Law School.
3. *Financial support.* No financial support so far available.
4. *Direction.* Professor Ernest Brown, Chairman, Committee on Graduate Studies, Harvard Law School.
5. *Workers.* Bernard Green, LL.M.



6. *Commencement and completion.* To commence summer 1961; to be completed by 1965.
7. *Reports.* No publication planned so far; findings will be reported in S.J.D. thesis, Harvard Law School.
8. *Outline.* The investigation will centre on the following problems:
  - (a) What individuals are formally brought before the juvenile court? The definition of delinquency under the Juvenile Delinquents Act is so wide that nearly all youngsters at some time could be found to be delinquent. There must be some process of selection so that only a small proportion of youngsters known by the authorities to have committed acts bringing those youngsters within the Act are ever brought before the juvenile court. Is this selection process determined by an express policy of the juvenile court judge? Or is there unfettered discretion in the individual policeman? Or is there express police policy?
  - (b) In the United States there has been much complaint of informal treatment of the juvenile without any formal finding of delinquency. Is this practice widespread in Canada? What is the attitude of various groups—judges, lawyers, social workers—to the practice?
  - (c) In the actual determination of delinquency is the youngster receiving fair treatment? The relevant questions concern the right of the juvenile to counsel, his right to cross-examine and especially his right to see reports of social investigators attached to the juvenile court. All these questions raise the problem of the inter-relation between the Juvenile Delinquents Act, the Criminal Code, and the new Bill of Rights.
9. *Informant.* Bernard Green, Assistant Professor, Faculty of Law, University of Toronto.

## II

1. *Title.* SOCIAL AND EMOTIONAL NEEDS OF CHRONIC PETTY OFFENDERS.
2. *Auspices.* University of Toronto, School of Social Work in collaboration with the Psychology Department.
3. *Financial support.* No specific funds so far available.
4. *Direction.* Dr. T. Grygier.
5. *Workers.* Dexter Allen, John Edwardes-Evans, Brian Gero, Miss Doreen Lichtenstein, Allan Sherlock, and Miss Norma Walsh (social work); William E. Marshall and Robert R. Ross (psychology).

6. *Commencement and completion.* Commenced December 1960; to be completed September 1961.
7. *Reports.* Social work students listed above will report their findings in their M.S.W. theses. The whole project is likely to be written up as a monograph.
8. *Outline.* The project is an operational type of research related to social action. It is realized that repeated short term sentences imposed on chronic inadequate offenders are serving no deterrent purpose and they might even satisfy some social and emotional needs of the repeaters. Alcohol is another factor complicating the issue but also probably satisfying some emotional needs of these people. The purpose of the investigation is to determine more precisely the nature of these needs so that more humane and more economical social action could be planned in order to meet them, possibly outside the penal system. The social workers will use an interviewing schedule dealing with the social situation, the desires and fears, and the attitudes of the offenders towards their present situation and possible social action. The psychologists will use personality tests to uncover some of the emotional needs not easily tapped by interviews. The investigation will be carried out at the Ontario reformatories for men and women in Toronto.
9. *Informant.* Dr. T. Grygier, Special Lecturer in Corrections, University of Toronto.

### III

1. *Title.* A FOLLOW-UP STUDY OF SEXUAL OFFENDERS REFERRED TO A FORENSIC OUT PATIENT CLINIC.
2. *Auspices.* University of Toronto, Department of Psychiatry, Toronto Psychiatric Hospital, Forensic Out Patient Department.
3. *Financial support.* Department of National Health and Welfare, Government of Canada, National Health Grant No. 605-5-276.
4. *Direction.* R. E. Turner, M.D., D. Psych., Director of Forensic Out Patient Clinic, Toronto Psychiatric Hospital.
5. *Workers.* J. R. B. Ball, M.B., D.P.M. and J. W. Mohr, M.S.W., Ph.D.
6. *Commencement and completion.* Commenced April 1960; completion expected 1961.

7. *Reports.* Research Abstract in January 1961 issue of *British Journal of Criminology*. A report by Dr. J. W. Mohr, "A Documentary Follow-Up of Sexual Offenders Referred to the Forensic Out Patient Clinic", Toronto, April 12, 1960 (Seminar 34), is available at the Forensic Clinic, 7 Queen's Park Crescent, Toronto, 35 pp. Subsequent reports in the same form and a monograph are envisaged.
8. *Outline.* A documentary follow-up of 132 cases of sexual offenders (54 Exhibitionists, 55 Pedophiles, 23 Homosexuals), referred by the Courts for diagnostic and treatment purposes between April 1956 and August 1959. Approximately two-thirds of these cases received treatment and personal follow-up will be conducted on those who have terminated their treatment before August 1959 (55 cases). In addition, a detailed analysis of data collected by the Clinic on these offenders will be conducted. The purpose of the study is to provide information on (a) the relationship between treatment and recidivism; (b) the influence of treatment on symptomatology, personal and social well-being of the offender; and (c) common characteristics of the various symptom groups.

9. *Informant.* J. W. Mohr, M.S.W., Ph.D., Research Associate, Forensic Out Patient Clinic, Toronto Psychiatric Hospital.

In addition to the continued publication of current research schemes, a survey of recent and current research is envisaged for the next Canadian Congress of Corrections in Toronto. All people and organizations whose researches have been completed not earlier than January 1, 1958, are asked to send to Dr. Grygier at the earliest possible opportunity:

- (a) Any existing reports and reprints of publications.
- (b) An especially prepared formal statement written under the same headings as the outline for current research above and marked: Research completed.

A research is to be regarded as completed if and when a final report on it has been written. If the investigation proper has been completed, but further reports or publications are expected, the research is to be regarded as current. If no report has been written and none is expected, the research is to be treated as incomplete and is not to be reported.

Return questionnaire to:

DR. T. GRYGIER  
School of Social Work  
University of Toronto  
Toronto, Ontario.

## **Questionnaire sur la recherche en cours**

*Le comité de rédaction de la Revue a le plaisir de reproduire le questionnaire suivant. Le Dr Grygier en adressera un exemplaire directement aux personnes qui, à sa connaissance, effectuent des recherches dans le domaine de la correction et de la criminologie. Toutefois, si vous ne receviez rien du Dr Grygier, bien que vous livrant à de telles recherches, nous vous saurions gré de lui fournir les renseignements demandés en tenant compte du présent avis. Les résultats de cette étude paraîtront dans la revue.*

Lors d'une réunion tenue récemment par le Comité sur les archives, la statistique et la recherche de la Société canadienne de Criminologie, il a été décidé de constituer un nouveau sous-comité sur la recherche. Le Dr T. Grygier (Ecole de Service social et Département de Psychologie de l'Université de Toronto) en a accepté la présidence; le Dr Bruno Cormier (Département de Psychiatrie de l'Université McGill) assumera les fonctions de président adjoint.

La première initiative du nouveau sous-comité consistera à recueillir des informations sur la recherche qui s'effectue au Canada en matière de correction et de criminologie. Par "recherche" il faut entendre une enquête systématique tendant à la connaissance des faits, étayée d'une analyse minutieuse des données et, selon le cas, avec expérimentation et évaluation statistique à l'appui. L'expression—recherche dans le domaine de la "correction et de la criminologie"—doit être comprise dans son sens le plus large. Elle englobera, par exemple, la recherche des causes et du traitement de la criminalité et de la délinquance, celle sur le comportement anti-social lié à la criminalité, comme la narcomanie et l'alcoolisme, les aberrations sexuelles, etc . . . Ce terme couvrira aussi les activités qui, bien que précédant le traitement correctionnel conventionnel, ont une influence considérable sur la prévention et le traitement de la criminalité. Ainsi, la recherche effectuée au sujet de la pratique policière, du casier judiciaire, de la politique suivie en matière de condamnation, etc . . . répondrait à la définition générale acceptée en ce cas.

D'autre part, les comptes rendus des activités d'une agence ou d'une institution, les énoncés de principes ou d'opinion, les recueils de données

d'importance locale ou temporaire, ou ne s'accompagnant pas d'objectifs scientifiques clairement définis, et les tableaux descriptifs de services correctionnels non accompagnés d'une analyse et d'une évaluation, ne seront pas comptés comme recherche.

Toutes les personnes et organisations effectuant ou sur le point d'effectuer des recherches dans le domaine de la criminologie et de la correction sont donc priées d'entrer en rapport avec le Dr Grygier et de lui faire parvenir en double exemplaire:

(a) Tout document donnant un aperçu de la recherche en cours, et toute information supplémentaire permettant de saisir la portée de la recherche, et la technique utilisée.

(b) Un énoncé officiel préparé spécialement en vue de sa publication dans la Revue Canadienne de Criminologie, sous les en-têtes suivants:

1. Titre du projet de recherche.
2. Le nom de l'université, du service administratif, de l'organisme privé ou de la personne sous les auspices duquel a lieu cette recherche.
3. Le nom de l'organisation qui offre son appui financier. Si vous ne disposez pas de fonds spéciaux, veuillez le préciser.
4. Le nom du président du comité des recherches ou celui de tout organe de contrôle. Si tel n'est pas le cas, veuillez le préciser.
5. Le nom des chercheurs.
6. Tout rapport ou publication déjà paru ou prévu (auteurs, titre, lieu de publication et éditeur—ou, s'il s'agit d'un article, nom et volume de la revue—date, pages).
7. Un aperçu succinct de la recherche, ne dépassant pas 150 mots environ.
8. Le nom et le titre de la personne qui fournit ces renseignements.

La Revue canadienne de Criminologie continuera de faire paraître, dans cette section, des notes sur la recherche en cours. Tous les renseignements devront être adressés au Dr Grygier, Ecole de Service social, Université de Toronto.

Les premiers projets mentionnés ci-dessous peuvent servir d'exemple:

# I

1. **Titre:** SOCIAL DEFENCE AND CIVIL LIBERTIES: THE DETERMINATION OF DELINQUENCY BY THE JUVENILE COURT.
2. **Auspices:** Harvard Law School.
3. **Appui financier:** aucune aide financière obtenue jusqu'ici.
4. **Direction du projet:** Professeur Ernest Brown, président du Committee on Graduate Studies, Harvard Law School.
5. **Chercheurs:** M. Bernard Green, LL.M.
6. **Début et fin de la recherche:** doit commencer en été 1961 et se terminer en 1965.
7. **Rapports:** aucune publication de prévue jusqu'ici; les conclusions figureront dans S.J.D. thesis, Harvard Law School.
8. **Aperçu du projet:** La recherche portera sur les problèmes suivants:
  - (a) Quels sont les individus amenés à comparaître régulièrement devant la Cour juvénile? La définition du terme délinquance, en vertu de la Loi sur les jeunes délinquants, est si vaste que l'on pourrait qualifier de délinquants la plupart des jeunes au cours de l'adolescence. Il doit exister quelque moyen de les différencier pour que seule une faible proportion des jeunes gens connus des autorités pour avoir commis des actes les faisant tomber sous le coup de la Loi comparaissent toujours devant la Cour juvénile? Ce mode de sélection est-il déterminé par une ordonnance expresse du juge de la Cour juvénile? Ou chaque agent de police a-t-il toute latitude d'agir comme il l'entend? Ou bien la police suit-elle une politique bien explicite?
  - (b) Aux Etats-Unis, de nombreuses plaintes ont été émises au sujet du traitement irrégulier auquel le jeune délinquant présumé est soumis sans qu'il existe de preuve formelle de délinquance. Cette pratique est-elle répandue au Canada? Quelle est l'attitude des divers groupes—juges, hommes de loi, travailleurs sociaux—à cet égard?
  - (c) Etant donné la définition présente de la délinquance, le jeune délinquant reçoit-il un traitement équitable? Les questions qui se rapportent à ce point-là concernent le droit de l'adolescent à un avocat, le droit de contre-interroger et, notamment, celui de prendre connaissance des rapports rédigés par les enquêteurs sociaux attachés à la Cour juvénile. Toutes ces questions soulèvent le problème de la corrélation qui existe entre la Loi sur les jeunes délinquants, le Code criminel et la nouvelle Déclaration des Droits.
9. **Informateur:** M. Bernard Green, professeur adjoint à la Faculté de Droit de l'Université de Toronto.



## II

1. *Titre:* SOCIAL AND EMOTIONAL NEEDS OF CHRONIC PETTY OFFENDERS.
2. *Auspices:* Ecole de Service social de l'Université de Toronto, en collaboration avec le Département de Psychologie.
3. *Appui financier:* aucune aide financière particulière obtenue jusqu'ici.
4. *Direction du projet:* Dr T. Grygier.
5. *Chercheurs:* Dexter Allen, John Edwardes-Evans, Brian Gero, Mlle Doreen Lichtenstein, Allan Sherlock et Mlle Norma Walsh (service social); William E. Marshall et Robert R. Ross (psychologie).
6. *Début et fin de la recherche:* A commencé en décembre 1960; doit se terminer en septembre 1961.
7. *Rapports:* Les étudiants en service social énumérés ci-dessus feront connaître leurs conclusions dans leur thèse de maîtrise en service social. L'ensemble du projet sera probablement présenté sous forme de monographie.
8. *Aperçu du projet:* Ce projet de recherche, du genre fonctionnel, est lié à l'action sociale. On a constaté que les sentences répétées, à court terme, imposées mal à propos aux délinquants chroniques, n'ont aucun effet préventif et qu'elles peuvent même satisfaire des besoins sociaux et émotifs chez les récidivistes. L'alcool, autre facteur qui rend cette question plus complexe, satisfait aussi probablement un besoin émotif quelconque chez ces personnes. La présente recherche se propose de définir plus clairement la nature de ces besoins, afin qu'il devienne possible de prévoir une action sociale plus humaine et plus économique pour y remédier, si possible, en dehors du régime pénal. Les travailleurs sociaux auront recours à une série d'entretiens portant sur la situation sociale, les désirs et les craintes, et les attitudes des délinquants à l'égard de leur situation présente et d'une action sociale éventuelle. Les psychologues feront appel aux tests de personnalité pour découvrir certains besoins émotifs que les entrevues auraient du mal à percevoir à jour. L'enquête aura lieu dans les maisons de correction de l'Ontario (hommes et femmes) à Toronto.
9. *Informateur:* Dr T. Grygier, chargé spécialement des cours de criminologie à l'Université de Toronto.

### III

1. *Titre:* A FOLLOW-UP STUDY OF SEXUAL OFFENDERS REFERRED TO A FORENSIC OUT PATIENT CLINIC.
2. *Auspices:* Université de Toronto, Département de Psychiatrie, Toronto Psychiatric Hospital, Forensic Out Patient Department.
3. *Appui financier:* ministère de la Santé nationale et du Bien-être social, Gouvernement fédéral, Subvention nationale à l'Hygiène, No. 605-5-276.
4. *Direction du projet:* M. R. E. Turner, M.D., D.Psych., directeur de la clinique légale externe de l'hôpital psychiatrique de Toronto.
5. *Chercheurs:* MM. J. R. B. Ball, M.B., D.P.M., et J. W. Mohr, M.S.S., Ph.D.
6. *Début et fin de la recherche:* commencée en avril 1960; devrait se terminer en 1961.
7. *Rapports:* compte rendu analytique paru dans le numéro de janvier 1961 du British Journal of Criminology. Un rapport du Dr. J. W. Mohr, intitulé "A Documentary Follow-Up of Sexual Offenders Referred to the Forensic Out Patient Clinic", Toronto, 12 avril 1960 (Séminar 34), est disponible sur demande à: Forensic Clinic, 7 Queen's Park Crescent, Toronto (35 pages). On envisage la parution de rapports ultérieurs sous la même forme, ainsi que la publication d'une monographie.
8. *Aperçu du projet:* étude documentaire sur 132 cas de délinquance sexuelle (54 exhibitionnistes, 55 perversseurs d'enfants, 23 homosexuels), déferés par la Cour aux fins de diagnostic et de traitement, entre avril 1956 et août 1959. Environ les deux tiers des individus en cause ont reçu un traitement; une étude d'observation personnelle permettra de suivre ceux qui ont terminé leur traitement avant août 1959 (55 cas). En outre, une analyse détaillée des informations recueillies par la Clinique, sur ces délinquants, sera effectuée. Le but de l'étude est de fournir des indications sur (a) les rapports existant entre le traitement et la récidive; (b) l'influence du traitement sur la symptomatologie, le mieux-être social et personnel du délinquant; et (c) les caractéristiques communes des divers groupes de symptômes.
9. *Informateur:* M. J. W. Mohr, M.S.S. Ph. D., Chargé de recherches associé, clinique légale externe de l'hôpital psychiatrique de Toronto.

En sus de la publication suivie des projets de recherche en cours, on envisage, à l'occasion de la tenue du prochain Congrès canadien de Criminologie, à Toronto, une étude sur les recherches effectuées actuellement ou récemment. Toutes les personnes et les organisations qui ont achevé des recherches postérieurement au 1er janvier 1958 sont priées de faire parvenir le plus tôt possible au Dr Grygier:

- (a) Les rapports existants et les réimpressions parues.
- (b) Un énoncé officiel préparé spécialement sous les mêmes entêtes que l'aperçu des recherches en cours ci-dessus, et annoté:

**Recherche terminée.**

Un projet de recherche sera considéré comme achevé lorsqu'il aura fait l'objet d'un rapport écrit. Si l'enquête proprement dite est terminée, mais que l'on compte faire paraître d'autres rapports ou des publications, la recherche sera considérée comme étant en cours. Si aucun rapport n'a été rédigé au sujet de la recherche et si l'on n'en prévoit pas, ladite recherche sera jugée incomplète et il n'en sera pas fait mention.

Retourner le questionnaire à:

DR T. GRYGIER  
Ecole de Service social  
Université de Toronto  
Toronto, Ontario.

*THE ALCOHOL LANGUAGE.* By Mark Keller and John R. Seeley. Toronto: University of Toronto Press, 1958. pp. 32. Price \$1.50.

If the reviewer's memory serves him right, and it frequently does not, it was Dr. Johnson, the grandfather of all lexicographers, who observed to a rambling author that "a slender volume is a sufficient delight". Here is a slender volume whose sufficient delight is enhanced by delightful content, a matched pair of essays drawing elegantly between them a considerable burden of matter. In these days of words upon words it is refreshing to find important material committed to essay form, with the brevity and discernment which that form implies.

To the matter first, it is a seventy-one item glossary of terms employed in the study of alcohol problems, and is published under the auspices of the Alcoholism Research Foundation as the second of the Brookside Monographs. The glossary, compiled by Mark Keller, editor for the Publications Division of the Yale Centre, is preceded by his essay in defense of its organizing principle, which is standardization by usage. It is followed by an essay in restrained rebuttal by Dr. Seeley, Research Director of the Alcoholism Research Foundation of Ontario, in which it is argued that usage is not a sufficient criterion of acceptability, and that acceptability may not be an adequate criterion of worth. This rebuttal, incidentally, gains a certain piquancy from one of Keller's opening remarks: "those most sensitive to the problems of language must find a way of agreeing . . .".

In essence, Keller's argument, buttressed by case histories of a number of maltreated words, is that in the face of ambiguity and complexity of terminology in the field of alcohol studies, as in other social science areas, the solution to the over-definition of terms is to present the alternative definitions side by side. While paradoxical at first view, the program envisaged by such a technique is the gradual elimination of the less efficient alternatives in response to more discriminating use. Thus he presents, as a "first approach", a "utilitarian lexicon" of selected terms, reserving, however, the lexicographer's right to comment on appropriate usage. As an implicit comment, the appearance of several of the glossary items as synonymous definitions for a number of others nicely illustrates the confusion he is attacking.

While granting the pragmatic value of this approach, Seeley's argument is that a concise and authoritative definition of terms is necessary for "in-group vocabulary of precision" in the conduct of studies as

opposed to "out-group vocabulary of support" for comfortable communication in a service context, and this distinction will ring true for those in the service professions. He argues that precision will be best achieved by a new vocabulary carrying the authority of original formulations; in essence, a new terminology. To invoke the metaphor of "the green language", both wish to improve the garden: the one by patient cultivation and selection, the other by forced mutation. For the semantic purist, as distinct from the semantic puritan, each approach will be seen to have merit. It might be wished, however, that Dr. Seeley had provided a comparable "first approach", as a test of survival value. It is perhaps a weakness of his position that to have done so would have been immensely difficult.

Apart from the merits of the two positions, the dictionary of usage should prove its value. Particularly for those in service positions, meeting the problems and consulting the literature of alcohol abuse, in the prison, or clinic or case work setting, it provides a guide to current terminology which should be a useful companion. It should further serve as a reminder of the need for semantic clarification in most of the applied fields, and perhaps as a model for action. The selection of terms is, by the author's admission, occasionally arbitrary, and it tends to ignore non-American and regional sources. It would be useful, for example, to present definitions of regional slang terms which are seen in the literature. These limitations are justified by the author's intention to produce only a preliminary sample. One puzzling feature deserves comment. While the intention is to clarify ambiguity, only thirty-six of the terms selected are given alternate referents, and of these, only eleven present more than one alternative. Items were selected from some five hundred terms, and it might be thought that inclusion of more of the patently ambiguous of these would better have served the author's purpose.

None of these features seriously limits the usefulness of the volume. Indeed, the inclusion of at least one term will have a special pragmatic value. It is enlightening to learn, and should smooth professional relations, that one should never refer to a colleague in alcohol studies as an "alcoholist", at the risk—definition two—of imputing to him profound insobriety.

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**CHILD WELFARE AND METHODS.** By Dorothy Zietz. New York: John Wiley & Sons, Inc., 1959. pp. IX+384. Price \$5.50.

Dr. Zietz has provided a reference book for the child welfare and related fields. The material is factual and well documented and extremely impressive in scope and design. She provides a historical perspective across the breadth of services and resources including the social, economic and legislative factors which impeded or accelerated their development. The philosophy and practice of services is covered from the early English poor laws through subsequent development to present day standards. The one failure of the book is the lack of assessment of present day services and the gaps in services, or of the ever present discrepancy between theory and practice apparent in some areas of North America more than others.

Through sketches of personalities, stories of developing organizations and other historical data, the material flows smoothly. The author uses the time sequence as a primary method of keeping the vast amount of information well ordered. Only occasionally does she have to jump back and forth in history. In her final chapters she provides a comprehensive examination of the needs of the handicapped child, considering the physical, mental and social aspects. She also has incorporated some relevant research findings in these areas. An excellent selected bibliography is given at the end of each section.

Particularly interesting to the social worker is the mention of relevant facets and changes of social work practice and eventual development into a professional body. The impetus of other professions and disciplines is also examined. The development of standards of service to the child and, where necessary, service for parents and young adults, includes both criticisms and acclaim, forward and backward movement. She indicates the concern for and necessity of both horizontal and vertical development of services in order that a comprehensive and integrated program will be the final result.

This book helps the student, and the lay or professional person involved in the field of child welfare or in general social work practice assess how far we have gone, when certain roots began to grow and why they developed in the manner they have. The challenge to the present generation is understated and perhaps there should have been a mention of some services, including institutions, which have succeeded in diminishing the gap between practice and theory. In general Dr. Zietz has made a vast and comprehensive body of knowledge available for an interested audience.

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**CULTURE AND MENTAL HEALTH: CROSS-CULTURAL STUDIES.** Edited by Marvin K. Opler. New York: Macmillan Company, 1959. pp. xxi+553. Price \$8.75.

Myths die hard, and the folk-lore of the Western world is riddled with an image of the happy native. From the noble savage of Rousseau to the exotic but mentally alert and well-adjusted Tarzan, our culture has contrasted the stress of civilization with the unstrenuous bliss of "primitive" life. Anthropologists have tended to accentuate this image in their descriptions of non-European peoples by utilizing a model of society in which all the unit members, i.e. the individuals, are smoothly meshed into a well integrated and perfectly adaptive sociological machine. Any deviation from the traditional pattern of culture is considered an abnormality, or else a response to outside stimulation which can bring on an eventual re-adjustment of the pattern if it is adopted.

The major contribution of Opler's book is the consistent refutation it gives to the idea of the happy native. Indeed by the time we have meandered through the entire length of this exotic tome it is clear that many of our primitive contemporaries are quite capable of being as mentally disturbed as anyone.

Each of the twenty-four papers in the book has its own focus and for the most part stands by itself. Thus Hallowell tries to set up cross-cultural comparisons among neurotics, although his test materials are in fact only illustrative of his thesis that similar stresses bring on similar neurotic responses everywhere. Wallace sets up the hypothesis that projective systems such as religion express suppressed impulses which give these traits therapeutic value (religion is an opiate but a thing of value). Opler (the editor) gives data to refute earlier ideas that the *shaman* or magician-priest is not necessarily a neurotic. Spiro tries to uphold the generalization that mental abnormality results from culturally induced stress and the improper usage or effect of institutionalized means for resolving such stress. Other papers in the volume reach for hypotheses and theoretical explanation on the same level.

The book is therefore a *pot pourri* of unrelated papers by writers interested in their own data and the search for hypotheses to explain these data. All the contributors share an interest in mental health, and all seek their own interpretations of problems in this area of research. However, the overall effect of such a book is disjunctive. Clearly defined concepts and their theoretical amalgamation into general theory of culture and mental illness is still far from our grasp. Some themes are admittedly recurrent. Thus the reader is shown time and time again that data from all over the world do not substantiate any exclusive relationship between deviant behaviour and mental health. On the other hand, the distribution

and behavioural indicators of mental illness seem to be resolutely tied to cultural differences. These are meaningful statements, but why bury them beneath a welter of dreams, stories and descriptions of abnormal and normal behaviour?

What is needed in the field of mental health research is not more particularistic studies of mental illness and its etiology in various societies around the world. Instead some one or many of us must sit down and construct, out of the plethora of materials available on mental illness and abnormal behaviour in general, specific concepts, theories and testable hypotheses, so that a step by step refinement of our knowledge in this field can take place. Without such a planned approach this reviewer prophesies that more and more books like Opler's will emerge in the next decade. Each writer will describe the behavioural abnormalities he has observed, relate these to the context in which they occur and explain them by reference to posited stresses and strains in the context. This then will be our modern theory of mental illness and culture—there are stress-producing situations and roles in all cultures, these produce tensions in individuals within these cultures who then get a little sick, and express their symptoms in symbolic behaviour whose form is comparable to sick people in other places, and whose content is taken from local traditions. I submit that this is not much beyond the level of common sense and has been described more richly by novelists and world travellers. Platitudes can only be replaced by hard thinking and a coordinated attack on the theoretical problem of culture and mental health.

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**THE ROOTS OF CRIME.** By Edward Glover. London: Imago Publishing Company Limited, 1960. pp. 397. Price 45/- net.

This is the second volume in a series known as *Selected Papers on Psychoanalysis*. The name itself indicates that the series is concerned with Freudian Psychology and Dr. Glover, as a well-known exponent, does an effective job of reviewing and consolidating much of modern fact and theory about crime.

This is done through a series of articles on related areas dating roughly from 1922. As one might expect in the writings of a career stretching over forty years, there is a distinct evolution of thought, either implied or acknowledged, which is interesting to observe. Equally interesting is Dr. Glover's application of Freudian psychology to crime.

Because the author has lived and worked through the periods he discusses, the historical sections of his book contain interesting reading, not because of the chronological sequence of events but because of the interpretation and emphasis placed on these events.

A considerable section of the book is devoted to discussing the criminal psychopath, and sexual offences and disorders. Dr. Glover is at his best when he becomes involved in exploring the details of these particular subjects. These two areas stand out as illustrations of the value of this book. The lack of example, however, to clarify and give life to what is being said appear to me to be a serious flaw, because it makes parts of the book both difficult and frankly uninteresting reading.

In the section dealing with clinical research Dr. Glover outlines with clarity the role of psychiatry in research. In an era when psychiatry tends to lose focus in the eyes of both the general public and fellow helping professions, it comes as a refreshing thought to hear one of the British leaders stating that there is a need to be more objective in just what expectations can be achieved for both treatment and research.

This book is thus a good intellectual exercise in reviewing certain areas concerned with the fundamentals of crime. It is not, however, recommended for anyone with limited academic training related to this area.

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**ANTISOCIAL OR CRIMINAL ACTS AND HYPNOSIS.** By Paul J. Reiter, M.D. Toronto: Ryerson Press, 1958. pp. 219. Price \$13.50.

A greater disappointment even than the exposure of Santa Claus, in this reviewer's young life, was the discovery as an apprentice psychologist that people who claimed to know (like professors) did not really believe in Svengali. Now there is hope again, for in this book Dr. Paul Reiter marshalls formidable support for the view that people can be hypnotized into committing acts which are against their moral principles. As one reads Dr. Reiter's introductory survey of the experiments carried out, and the authoritative views expressed on this question, it is difficult to understand how the contrary view ever became the generally accepted orthodoxy. Could it be the vested interest of the practitioner, leading him to misrepresent hypnosis as wholly beneficial—incapable of being misused? Among professional workers? Surely not . . .

But if the author's review of previous work in this field is convincing, the detailed case-study which makes up the greater part of the book is almost conclusive. Here is told a story at which normal credulity balks, and yet it has to be believed. For it is supported not only by the victim's memories of what had happened to him, revived with hypnotic aid after having been the subject of hypnotic amnesia for years, but it was confirmed, at a score of points, by facts unearthed by the police.

A young Danish Nazi, imprisoned as a war-criminal, disillusioned and hopeless, falls under the influence in prison of a psychopathic criminal. The young man desperately needs to feel he is "somebody", and to have something to believe in. His friend, under the guise of offering him a new religious revelation through Yoga, carries through on him a course of intensive hypnotic conditioning. The young Nazi was certainly a highly suggestible person, but it seems clear that the key factor in the situation was his current state of mind. Because of his need for a sense of personal worthwhileness, he was easily convinced that he had been chosen above all other people for a great religious mission. Suggestions that material things were bound to be trivial to such a person as he led easily to a belief that property rights were of minor importance, and that robbery was therefore more than justified for the "cause". Constant harping upon the worthlessness of earth-bound emotions, as compared with things of the spirit, made it possible for the unfortunate young man, in a series of hypnotic seances, to rehearse even the murder of his own mother. Eventually he obeyed post-hypnotic suggestions to rob a bank in reality, passing on the worthless pelf he acquired to his mentor. And the tragedy finally reached its climax when he, in his deluded state, murdered two bank clerks while attempting another robbery.

Nothing could be more revealing than the way in which he describes his struggles with himself to carry out these God-given missions. The inner conflict which current doctrine would lead us to expect is certainly there, but it is resolved in this case (at least temporarily) in favour of the implanted impulse, rather than the individual's personal morality. But he continues to live in a kind of half-world, see-sawing from one side to other, as first the law and his psychiatrist, and then his Svengali place pressure upon him.

An explanation in terms of the simple supremacy of one of these two systems is obviously too simple to explain the facts of this case. What we have here is a deliberately induced distortion of the individual's perceptions, so that crime seems to be supported by his existing moral pattern. To this end, his strongest motives (in this case his need for personal significance and a worthwhile ideal) are drawn upon to make the delusion acceptable.

This book is certainly important for the theory of hypnosis, but how much importance has it for the field of practical corrections? After all, deep-trance conditions of the kind utilized here are only possible with about one person in five. And few would suggest that this kind of crime occurs very frequently.

Nevertheless this case has its lessons for us. If basic motivation can be enlisted, in this way, to falsify perceptions of social reality, it is no less available to correct the delusions which lie behind criminal behaviour. We may not wish to use hypnosis for this purpose, but we have instead the great and exclusive advantage of being able to call upon *real* social reality for confirmation. The success of our correctional services in rehabilitating the offenders committed to them seems likely to depend, to a very great extent, upon our willingness to adopt this kind of psychological finesse, rather than the frontal assault of deterrent penology.

The book gives a good picture of the Danish judicial system in operation, and of the interesting and fruitful way in which relations between the courts and the medical profession are organized in that country. This latter shows that alternatives are possible to the very unsatisfactory method adopted in this country and in the United Kingdom, of simply putting up in court conflicting expert witnesses.

The case also makes a fascinating human document, in spite of the rather quaint English into which it has been translated in places, and the occasional repetitions of material.

But why is the book so very expensive?

HOWARD JONES

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**CRIME, JUSTICE AND CORRECTION.** By Paul W. Tappan. New York: McGraw-Hill Book Co., 1960. pp. XI+781. Price \$10.95. (In Canada: McGraw-Hill Co., 253 Spadina Road, Toronto 4, Ont.)

This is an authoritative and timely book. The author is well known for his earlier books and articles on delinquency and corrections. He combines the disciplines of sociology and law with correctional administration and research. This wide background is reflected in both presentation and analysis.

The content is organized in the three sections stated in the title: Crime and its causation; the Administration of Justice, and the Correctional Services. The presentation is thorough, sociological, and generally critical of other than broad (sociological) approaches. It is informative on such topics as personality deviations and white collar crime.

To this reviewer a special merit of the book is its full presentation of the administration of justice—the police, courts, and sentencing and disposition. The central importance of the court's disposition in the whole correctional process is underlined and the limitations of court action is recognized—limits which are much narrower in the United States than in Canada. The chapters on "Sanctions and Sentencing" and "Improving the Dispositions Process" are excellent. The informed description and appraisal of Youth Authorities and Adult Authorities in the United States, in the setting of terms and parole, is the first collected material on the work of these agencies that is available in book form.

The section on corrections contains a good discussion of preventive measures, including a careful appraisal of predictive measures, community organization and state programs, recreation and group work, and guidance clinics. Included are the specific programs of the Gluecks, the Somerville Study, and the Highfields project. Current clinical and social therapies are presented and discussed. The presentation of the familiar correctional services of probation, institutions, and parole is thorough and competent. An omission for Canadian readers is the lack of any reference to the work of voluntary bodies, either in their local or national programs.

The book has good indexes and a useful bibliography. The Canadian price, \$10.95, seems high for a work of this kind but the book is worth it. It will be a standard reference work in corrections for years to come.

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**THE DRUG ADDICT AS A PATIENT.** By Marie Nyswander. New York: Grune & Stratton, Inc., 1956. pp. 179. Price \$5.25.

This book, although written some four years ago, is pertinent and refreshing in its perspective to-day. The author, obviously well trained in the factors associated with narcotic addiction, is seen to possess that all too rare a quality seen in so many who write of their work in this field, namely, the milk of human kindness, and in this way is able to present in this handbook a very intimate picture of the narcotic addict himself.



She covers the usual descriptive format of the history of drug addiction in the U.S.A., the pharmacology, physiology, diagnosis and the procedures for withdrawal of various commonly used drugs seen in most books of this type. However, she departs from the usual pessimistic outlook of those whose main contact with the narcotic addict is from an institutional point of view, in which the punitive approach has been the main weapon and by comparison points out that the understanding, accepting role of the general physician has much more to offer with more effectiveness. She shows that by understanding the psychological makeup related to the addiction with its associated family, social or professional backgrounds, much more acceptance of narcotics addiction as an illness can come about. With this change in attitude it can be removed from the hands of the law-makers and put in the hands of medical people, where it more rightly belongs.

From this point of view she then outlines plans for treatment and rehabilitation which would utilize the cooperative efforts of the medical profession, the narcotics control people, the treatment facilities of community hospitals, and the training of interested people, so necessary for the success of such a plan. The basis of the latter is public, professional and legal recognition that drug addiction is not the manifestation of moral degeneracy or antisocial attitudes but is rather a curable illness.

The experience related in the book has been developed beyond the protective confinements of the institution which breeds hostility through rejection and punishment and serves to hide the apathy of people associated with the narcotics addict. Thus in the arena of medical practice, where drug addiction has been accepted by the author and certain doctors of her acquaintance as an illness, encouraging results may be obtained. The author does not set the illusion that this is easy but rather it is painstaking, both for the patient and the therapist. From this combined experience, Dr. Nyswander has a real message to pass on to her profession or other interested people that is both practical and inspirational.

She covers the present attitudes toward narcotics addiction in the U.S.A. as well as the highly publicized contrasting attitude in Britain. She also outlines the proposals made for a change in attitude by the New York Academy of Medicine in 1955.

This book is highly recommended as a very practical handbook to those of the medical profession who are interested in narcotics addiction. It should prove useful and informative to people of varied disciplines, among laymen and lawmen, as well as those who are engaged in psychological and social work.

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